

THE SOCIAL THOUGHT
OF THE
ANCIENT CIVILIZATIONS

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TO
MY WIFE

PREFACE

It is the present author's belief that many of the so-called histories of thought have been seriously at fault as scientific presentations of the subject. Some writers, overzealous in the advancement of their field from the angle of their own bents and interests, have erred in using selected portions of the historical thought as a vehicle whereby they imposed their own upon the more or less unsuspecting reader; others have added such voluminous comments and interpretations of their own, often on the basis of very slender evidence, and read so many obviously unjustified meanings into the historical writings as seriously to subvert or disguise their real meaning; still others have tried to cover so much ground within the confines of a single book that their product was excessively piecemeal and over-selective, and in no sense a fair sampling of the thought of the writers of any given epoch. It is the purpose of this study to avoid these weaknesses as far as possible by confining it to the most significant writers or documents of the different ancient civilizations. The writer will indulge in almost no interpretation, will reduce comment to a minimum, and will be wary about theorizing or generalizing. Finally, he will as far as possible use factual material in the form of the actual statements—the documentary materials, archaeological and historical—and let them tell their own story in their own words, trusting that the reader is sufficiently orientated in the various social disciplines to appreciate the more apt, revealing, and pointed passages and to apprehend the significance of the embodied ideas. This has been consistently done, except in the case of the Biblical literature, available to everyone, and in certain ancient legal codes, where, in order to conserve space, quotations have frequently been omitted. The writer has considered his task to be mainly that of discovering, collecting, selecting, and organizing the material from these ancient civilizations that is pertinent to the

thought and background of social scientists, and of presenting these materials in a manner as objective as possible. That is the first task of the social scientist working with historical materials.

A special error of some of the students of the pre-Greek and non-Greek ancient literature has been to force each into some standardized mold or method of treatment. This is impossible without distorting or padding the material, for the literary bits available are fragmentary, and their persistence or discovery has been largely a matter of chance; hence they differ in nature and content. A scientist can allow the materials discovered to date to tell their tale only as dictated by the nature and the quantity of the varieties and forms at hand. There will thus be much difference in the mode of treatment and subjects considered from chapter to chapter.

The literary materials coming from the Egyptians, Babylonians, Assyrians, and Hittites have been largely made available by archaeological excavation. Hence what is available consists mainly of unselected samples of what existed. The materials from Persia, India, China, and the Hebrews have come to us by direct transmission through the historical processes among successive generations of men. But here chance and the misfortunes of war, migration, and time have sadly riddled the record.

As far as possible in this treatment the writers, known or unknown, will be placed in their respective epochs and cultures. Their ideas and institutions, in the light of idealized modern ethical and social scientific principles, may seem crude and even brutal. But they may, on the other hand, be remarkably efficient and enlightened when examined in relation to their age and heritage.

Each people is introduced by a concise review of the pertinent facts regarding their physical setting, their racial and cultural composition, their major or determining social institutions, and the most significant economic and political changes in their history during the period under consideration. Without such a background of conditions and events their social thought has little significance for the social scientist.

This work is strictly that of a social scientist. The writer is not a philologist or a student of ancient Oriental languages.

He does not propose to engage in any literary or historical investigation of sources or to translate or attempt to improve the text of translations. He is accepting the standard translations of the older materials, the best possible translations of the newer findings, and, in a few cases, the only ones available. Nor does he allow himself to enter into any of the critical controversies among Oriental scholars but, where difference of opinion exists, rests his conclusions upon the consensus of opinion of the technical experts. He has assumed that the work of the Orientalist, the Near Eastern archaeologist, and the scholar of ancient languages and literatures is not an end in itself but a means of making available for various types and varieties of students this ancient lore. For their mistakes and failures he assumes no responsibility. He is accepting and using the findings of the appropriate researchers.

Finally, not all the literature examined was actually composed originally in the pre-Greek period. But in almost every case its essential thought and its main development were definitely pre-Greek. This is particularly true of the thought of Persia considered and the ideas of Gautama of ancient India. There is also much valuable social thought connected with the great ancient philosophies which is introduced or added after Grecian times and which consequently falls outside our time limits. Except where this clearly and authoritatively has its roots in earlier thought it will not be considered.

In addition to the assistance rendered him by the Library of the University of Nebraska, the writer wishes to acknowledge courtesies extended him by the Library of the University of Pennsylvania, the Museum of the University of Pennsylvania, and the libraries of the University of Chicago, especially that of the Oriental Institute.

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J. O. HERTZLER.

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There is no new thing under the sun. Is there a thing whereof it may be said, See, this is new? It hath been long ago, in the ages which were before us.

Eccles. 1:9-10

THE SOCIAL THOUGHT OF THE ANCIENT CIVILIZATIONS

CHAPTER I

THE DESIRABILITY AND THE POSSIBILITY OF AN EXAMINATION OF THE SOCIAL THOUGHT OF THE ANCIENT CIVILIZATIONS¹

The more the social sciences advance in content and method the more the students of these sciences feel the need of a knowledge of the origins and the evolution of the fundamental concepts, viewpoints, and objectives that underlie them at present. These are now seen to be as essential as a knowledge of the history of the actual social processes and institutions. Most of the social sciences have met this need by so-called "histories" of the thought of their particular field. Our concern here is specifically with the history of social thought as a background for the sociologist, though it is equally valuable for the scientists in the allied fields.

A history of the social ideas of the past not only gives substance and foundation to our contemporary social thought but also gives us an understanding of contemporary civilization as a whole, for the ideas of the past are determining factors in the institutions, attitudes, customs, relations, groupings, and other social forms and situations of the present. A fair knowledge of the nature, the effect, and the fate of social thought in the past safeguards us against repeating many of the mistakes of the past, for human nature does not change so rapidly as to invalidate all past experience. In fact, the careful student is struck by the frequent applicability of much of the thought of the ancients to present-day conditions. A knowledge of past thought lends sanity and

¹ Previously printed in *Social Forces*, Vol. X, No. 3, pp. 328-338, March, 1932.

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soundness to one's utterances. As Fontenelle exclaimed, "How many foolish things we should say now if the ancients had not said them before us!" The history of thought shows how ruling ideas, both good and bad, have developed; it shows the factors of different types responsible for the maintenance of beliefs and views; it makes possible integrity of thought.

Finally, an examination of ancient social thought makes for calmness, modesty, even at times for a very desirable humility in its students. Some historian of ancient peoples has cryptically remarked, "The ancients have stolen all of our good ideas." Similarly a Babylonian sage of 2100 B.C. or earlier stated, "The life of yesterday, it is every day the same." While it is by no means a fact that all our good ideas are to be found among the ancients, yet, to the confusion of the modern thinker, inflated with the assumed importance and superiority of present-day thought, they turn out to be surprisingly many. Such a study is an invaluable aid in maintaining in the student a dispassionate and scientific objectivity. He is not so apt to be swept away by fads in thinking or to be confused by controversies. The broader sweep of his thought enables him to distinguish and emphasize fundamentals of the career of human society.

The history of social thought is now a standard part of sociological science. Most of these historians have begun their analysis of thought with the Greeks; certainly no farther back than the Hebrews. With the exception of a few brief chapters, sociology is lacking in the examination of any of the thought before the Greeks. The contention of the present writer is that this leaves social thought without much of its foundation material. While it has been excusable and understandable in the past, the time has now come when we can and must carry the history of social thought back into pre-Greek civilizations.

This tendency among sociologists to maintain that there is little social thought of value before the Greeks, especially those of the post-Socratic period, is due to one or more of the following reasons: (1) a lack of knowledge of the significance of earlier cultures; (2) a difference of opinion as to when social thought of scientific significance begins and what constitutes such thought; and (3) a failure to appreciate the light that the culture concept throws on the matter of thought origins, development of thought, and the linkage or interdependence of eras and cultures.

I. THE EFFECT OF THE NEW DISCOVERIES AND NEW KNOWLEDGE UPON THE HISTORY OF EARLY THOUGHT

In the first place, where lack of knowledge of earlier cultures exists on the part of sociologists, this may be due to the fact that (1) they have not known that such knowledge now exists or (2) they have not had access to those archaeological, ethnological, and very early historical materials upon which such a knowledge must be based or (3) they have not bothered to make a sympathetic and comprehensive study of them.

Owing to the researches of ethnographers, archaeologists, and historians, our knowledge of the cultures of ancient peoples has recently become much more intimate and extensive. In fact, it has vastly increased during the lives of most of those now active in the field of sociology. For a long time the only literature of those times that had fairly common currency was that of the Hebrews, and that, being labeled religious, was not examined until recently for its anthropological and sociological implications. The examination of the other available literature dealing with ancient civilizations, as, for example, the works of Diodorus and Herodotus, was quite generally looked upon as a vested right of the classicists and ancient historians alone, and was respected as such. However, with the weakening of departmentalizing tendencies, this literary store is being added to the recent archaeological findings.

While the knowledge of ancient peoples is still meager and fragmentary, and while social thought is relatively scanty and inchoate as compared with available evidences of thought along other lines, notably the religious, there is enough of it now at hand to serve as a challenge to the historian of social thought. Excavations by archaeological investigators in Mesopotamia, Persia, Asia Minor, and Egypt; the deciphering, translation, and reediting of hieroglyphic, cuneiform, and other ancient texts, documents, and tablets; and intensive historical researches of all kinds and along all lines, including especially the ancient literatures of China, India, and the Hebrews, have made possible the study of the social institutions, the proverbs, epigrams, and other wisdom literature, the social criticism and prophecies, the laws, the ethical systems, the epic literature, the philosophies of history, the political thought, the economic relations, the social

classes, and a host of other culture products and social activities and situations, all of which are notably revealing of genuine social thought and actual social practices in these ancient civilizations. It is now possible for us to push our study back into the fourth millennium B.C. Scholarly competence in the history of social thought requires such knowledge. Enough data are now available to make possible a satisfactory initial study.

II. THE CHANGING CONCEPTION OF THE CONTENT OF SOCIAL THOUGHT

In the second place, while it is undoubtedly true that the systematic discussion of social phenomena begins with the post-Socratic Greeks, it is equally true that the social thought of the great civilizations preceding the Greeks, by virtue of the fact that it emanated from great civilizations that endured for centuries or even millenniums, must be considered. In fact, with equal assurance, one is justified in maintaining that these great civilizations, involving millions of people in a multiplicity of relationships and a whole array of highly diversified social institutions in highly complex social organizations, required a relatively high type of social thought.

It also stands to reason that the various social problems of adjustment, control, treatment, and organization, which grow out of human relationships in both primary and organized groups, had to be met before the time of the Greeks. The clash of personalities and interests, the need of ordered relationships, and the demand for social interpretations and principles had to be satisfied. No social group can carry on without these. We have created an artificial distinction between pre-Greek and post-Greek thought. Contrary to the beliefs of many, man has for ages been thinking of his relations and obligations to his fellow men. He had to if he and his group were to endure.

As soon as men, living in groups of two or more, become conscious of life with their fellows, they begin to philosophize about this, and try to reduce it to generalizations. After generations and centuries of experience, of primitive dialectic, of examination of folkways and mores, these social notions become more or less standardized into proverbs, legends, systems of rules, and law. Thus they come as the result of a long process of unconscious organization of social thought.

Social thought can then be said to originate when men begin to generalize about social phenomena, especially about social relationships, in a manner sufficiently definite and coherent so that successive observers, when they check the generalizations as statements of social fact, find them more or less accurate and usable. Even the most superficial examination of the literature of the ancients preceding the Greeks shows an abundance of thinking that conforms to these requirements.

III. THE EFFECT OF THE CULTURE CONCEPT

In the third place, the culture concept implies that all social thought, including that of the post-Socratic Greeks, that of Europe, and even that of America, as well as any other phase of culture, has a long and complex history behind it. This study of culture, as emphasized by the anthropologists and archaeologists, and more recently by the cultural sociologists, has opened up a new viewpoint respecting ancient civilizations. Before this culture concept was introduced into sociology, we could safely and conscientiously begin as late as the Greeks. Now, however, since we have a clearer conception of the nature, evolution, and linkage of cultures, we see that we must go back to early contacting cultures if we are to have a comprehensive grasp of the nature and content of any phase or era of culture. We now note that few cultures are absolutely self-developed, and almost none disappears without passing on many of its elements to other cultures. In any era men are the heirs of the past.

Culture diffusion has always been common, though the process has varied in rapidity and in the ease with which it occurred. The ancient cultures of Egypt, Babylonia, Persia, Greece, and Rome were not isolated, not even in their prehistoric eras, as archaeology ever more patently demonstrates. The early Near East and the Mediterranean area were regions of fructifying culture contacts. There is no more reason for thinking of Greek thought as something highly unique or as an independent development—a sport or mutation, so to speak—than to look upon Hebrew and Christian religion and their theological elements as unique. For example, after several generations of research we see that a considerable number of supposedly basic and unique elements of Judaism and Christianity go back to remote times and various cultures, revealing these developments as blendings

or mosaics of elements, unified, of course, into more or less systematic growths. In a similar manner the modern student of Greek culture sees it as a compounding of elements derived from the entire Mediterranean area and the far Aryan East, as well as the Near East. Aristotle, the greatest thinker of Greece, was not peculiarly Greek. He drew on the whole known world for his knowledge and made personal contacts with many of the various peoples and cultures. As the record of the past becomes clearer, the linkage of ancient cultures becomes more definite. Equally important is the fact that in ancient civilizations the foundations of modern civilizations were being laid. Our western culture is itself an amalgam of cultures diffused from northern Africa and western Asia, as most culture anthropologists and historians of the ancient world attest.¹

The social thought of a given people or civilization at any moment is a vast accumulation of the social thought of every people or culture with which contacts, direct or indirect, have been made. For culture is continuous and contagious, and transmission of some, at least, of its elements is inevitable as contacts are made. Owing to the great mobility of peoples, even of prehistoric peoples, cultural transfusion and diffusion must be considered in any study of any phase of culture.

Hence the thought of the past, however remote, and of peoples now long gone, is woven into the fabric of the thought of the present. Later thought is thus the product of blending, readaptation, and cross-fertilization of past concepts, beliefs, and ideals and an enhancement and elaboration of these based upon additional observation, experience, and, quite recently, some research.

The importance of the phenomena of culture diffusion has not been sufficiently taken into consideration in the history of thought, especially social thought. In most of the available writings it is not considered at all. One of the objectives of this study is to pick up some of the notable strands of social thought in the literature, formal and otherwise, of the peoples preceding the Greeks, who have contributed in some measure to the fabric

¹ Cf. *Cambridge Ancient History*, Cambridge, 1923, Vol. I, Preface; M. ROSTOVITZ, *A History of the Ancient World*, pp. 8, 9, Oxford, 1926-1928; C. WISSLER, *Man and Culture*, pp. 34-35, New York, 1923; W. D. WALLIS, *Culture and Progress*, pp. 107-108, New York, 1930; M. JASTROW, *The Civilization of Babylonia and Assyria*, p. 2.

of our modern social thought, notably the Egyptians, Babylonians, Hittites, Persians, and Hebrews. Of course, much thought will also be found that has had no demonstrable influence upon modern thought.

Certain ancient cultures which have had only the most remote and indirect influence upon western civilization, as far as is now known, will also be examined, notably those of India and China. These latter groupings of early social thought will be examined as foundation cultural material; as solutions of or comments upon social situations of the past which may now be existent or which may be typical of some future era; as checks upon present thought; as a means of getting at conceptions of great societary fundamentals; and as means of understanding social processes.

IV. THE CAUSES AND MEANS OF CULTURE DIFFUSION AMONG THE ANCIENTS

The same examination of archaeological and historical sources that points to widespread diffusion of ancient culture traits also indicates the means and methods whereby the fructifying contacts were made. To be sure, because of the relative inefficiency of the means of communication and transportation in ancient times, the culture contacts were not so frequent or so numerous as they are today. But, given a sufficient lapse of time, population pressure, diminishing returns, and, if we are to believe a certain school of geographers, possibly also climatic fluctuations, together with the accompanying famines, disease, migrations, and war, did produce a surprising number of contacts. The process was aided by expanding and enriching cultures, accompanied by increasing wants and the resultant barter and trade. Later on, of course, as travel and trade routes were developed by land and water, and as given languages and methods of writing became more universal, these contacts, both physical and psychosocial, increased tremendously in number and effect. Let us examine in greater detail the actual nature of some of the more significant contacts.

Until recently our studies of the ancient cultures of the Near East have begun with the Egyptians along the Nile and the Sumerians in the lower Tigris-Euphrates valley about 4000 B.C. Speiser,¹ however, on the basis of quite extensive recent archaeo-

¹ E. A. SPEISER, *Mesopotamian Origins*, Philadelphia, 1930.

logical findings and philological investigations, has come forward with the hypothesis of the "Japhethites"¹ as the basic population of the Near East, antedating the Sumerians, the Semites, and the Indo-European peoples in the region. They were, he believes, the population indigenous to the highland zones of the Near East and were responsible for that stratigraphically earliest culture that has long confused archaeologists. This earliest culture, which he refers to as "aëneolithic," is widespread and uniform, extending over the Mesopotamian region, Syria, and Anatolia, thus presupposing a dynamic people having racial unity. He concludes, with considerable plausibility, that theirs was the ethnic and the cultural foundation upon which the Sumerian and Semitic, and later the Indo-European, invaders built.

When we confine ourselves to accepted fact, our study of the great, significant cultures begins with ancient Babylonia and Egypt. Both of these, owing to their limited resources, had to draw supplies from outlying portions of their empires and beyond. This was difficult because both were detached agricultural civilizations. Both particularly needed metals and wood; Babylonia also needed stone of various kinds for its economic and religious purposes. These needs for various materials were satisfied partly by conquest and forcible acquisition but mainly by barter and trading. This led to the establishment of colonies and dependencies, the development of trade routes, the opening of trading posts and markets, and, of course, the expeditions of a military or semimilitary nature incidental to such organization and expansion. Inevitably their culture followed their warriors, traders, and other empire builders.

Both predynastic Egypt and old Sumerian Babylonia of the fourth millennium B.C. used copper from the land of Magan ("land of ships"), which must be identified as the Sinai peninsula.² At this early time these cultures, the Babylonian and Egyptian, also influenced each other, as is attested by the similarity of their maceheads and the common use of the cylinder seal and of recessed brick walls.

The only land route that this intercourse between the Euphrates and the Nile could follow was along the upper north or

¹ In contrast to "Semites" and "Hamites," standard scientific classificatory terms.

² H. R. HALL, *Cambridge Ancient History*, Vol. I, p. 262.

northeast river bank of the Euphrates and along the narrow strip of hill country at the southeastern end of the Mediterranean, bordered on one side by the Mediterranean Sea and on the other by the Arabian Desert, the area occupied later by the Israelite and other Semitic tribes. Back and forth along this ridge moved the commodities, individuals, ideas, customs, institutions, and armies of Babylonia and Egypt. Across it, also, moved the other outland enemies of each, especially, later on, the armies of Medea, Chaldea, and Persia and those of Alexander.¹

While ancient Babylonia was most dependent upon various parts of the known world for supplies, it in turn had certain abundant resources which were much sought after. It occupied by far the richest part of that famous area appropriately referred to by Breasted as the "Fertile Crescent." This was a sizable strip, rich as to soil, fairly well-watered, and with excellent natural means of intercommunication, extending from the Persian Gulf northwestward along the Euphrates and the Tigris up through Assyria and then bending southwestward and following the most easterly portion of the Mediterranean shore down to the Sinai region. This area was the only really civilized region in that portion of the world at the time. Though some portions of it were semiarid part of the year, in it was raised a relatively inexhaustible supply of foodstuffs, including corn and dates. Much wool of finer quality than that of the desert sheep, because better nourishment was available, was also produced and made into the widely known "Babylonitish garments." Hence Babylonia became a great exchange center, its cities ancient Londons, where the produce of the Fertile Crescent and the entire communicating world was exchanged. Aided by well-established and well-guarded trade routes and an extensive system of canals, as well as by rivers and their tributaries, its great business houses carried on trade over vast distances and had regular correspondents and branch houses.²

The successive waves of migrating Semites from the deserts of Arabia also did much to cause a widespread circulation and diffusion of culture throughout the ancient Near Eastern area.

¹ Note, for example, the map showing the ancient trade routes through Palestine and Phoenicia in J. BAIKIE, *The Amarna Age*, opposite p. 358, New York, 1926.

² J. L. MYRES, *The Dawn of History*, pp. 96-97, New York, 1911.

The first wave, occurring during the fourth millennium B.C., resulted in the occupation of the Mesopotamian steppe, north Syria, and presently Elam across the Tigris. Crossing the Euphrates higher up, the Semites moved down between the rivers, invading Babylonia from the north. This is the Accadian influx, and its outstanding ruler is Sargon I of Accad.

The second great migration, known as the Canaanite-Amorite, occurred about the middle of the third millennium. The invaders took possession of all the strip of highland country between the Euphrates and the Mediterranean and everything south of this as far as the edge of the great desert. One group penetrated as far as Babylon of Babylonia, a city of hitherto quite secondary rank, which became the central capital of a new united kingdom whose greatest king was Hammurabi. Another section moved northward into the middle valley of the Tigris, later on to become the Semitic state of Assyria. Still another section reached the rolling country of Harran between the tributary Khabur River and the Euphrates proper, where ephemeral settlements were established. The most graphic description of a phase of this section's migration, probably the so-called Leah families, is still to be found in Genesis.

The third great wave, known as the Aramaean, came about a thousand years later (c. 1350 B.C.). It brought with it the Hebrews, Edomites, Moabites, Ammonites, and other related peoples. It filled the whole eastern Mediterranean country as far north as the Taurus mountains. The great Semitic migration, that of the seventh century A.D., which flooded Syria, Persia, India, and all of northern Africa, even Spain, Sicily, and part of France, does not concern us here. Each of these Semitic migrations not only carried with it whatever it had in the way of original culture but picked up and transported the materials of the peoples with whom it came in contact. Thus it served as a potent medium of diffusion.

There is reason for thinking that there was some contact between the Near and the Far East at a relatively early time. Shells from the Indian Ocean have been found in the graves of the Middle Kingdom in Egypt, indicating that the mariners who ventured on the Red Sea got to the shores of the Indian Ocean. The fact that ships of the fleet owned jointly by Solomon and Hiram of Tyre visited Pahang, "the home of the peacock," in the

tenth century B.C. indicates that long before this time sailors had traversed the Indian Ocean and ventured beyond India and Ceylon. In various parts of India traces of contact with Sumerian civilization are found. Relics have been found that are at least a thousand years earlier than the earliest Aryan invasion. These include inscribed seals similar to the square stamped ones of Susa and Sumeria. These signs have a remarkable resemblance to Sumerian writing, and the notation is similar.¹

The main force producing culture contact and diffusion, however, was the expansion of the empires of Babylonia, Egypt, Assyria, the Hittites, Medea, Chaldea, Persia, and Greece. Each successive empire increased its territory, always at the expense of some preceding empire, and, of course, increased the area in which cultural contacts of all kinds were made. While the first great Babylonian Empire, that of Sargon I, formed by the combining of Sumer and Akkad, occupied only the lower Tigris-Euphrates valley (though he did get to the Mediterranean on a raid), the second under Hammurabi (around 2100 B.C.) included most of Elam to the east across the Tigris, extended to Armenia to the north, included Palestine on the west, and stretched into the desert on the south to embrace Ur and Larsam, thus occupying all of the Fertile Crescent, which was henceforth to be one of the prizes sought by the successive empires. The Egyptian Empire at its peak in the fifteenth century B.C., under Thutmosis (Thothmes) III, sometimes referred to as the Napoleon of Egypt, extended across the Isthmus of Suez into western Asia up to the border of Anatolia, including all of Palestine and Syria, and extended along the Red Sea almost down to the Indian Ocean and west into the Nubian Desert. The fleets of Thutmosis carried his power along the south shore of Asia Minor and possibly also incorporated the Aegean Islands including Crete, though this latter may be only his boast as a ruler. This empire was at this time a considerable fraction of the known world.

One of the most important of all archaeological discoveries to date has been the so-called Tell-el-Amarna letters, found at the site of that name in Egypt in 1887-1888. They are part of the official diplomatic correspondence of the kings Amenhotep III and Amenhotep IV (the famous monotheist Ikhnaton) of the fourteenth century B.C. and are the oldest international corre-

¹ D. A. MACKENZIE, *Ancient Civilizations*, p. 256, London, 1927.

spondence in the world. Close and frequent contact was maintained among the kings of Babylon, the Hittites, Assyria, the Mitanni, Cyprus, and seventy or eighty vassal princes of Amurru (Syria), Canaan, including the young Hebrew people just establishing themselves in Canaan, and other parts of the empire. It is significant to note that the tablets are all in Babylonian cuneiform, indicating that it was the diplomatic language, the *lingua franca*, of the time. The letters show a wide, eager world of feverish activity, closely linked by ties of self-interest and mutual advantage, taking the form of a multiplicity of trading and military relations and also the intermarriage of the nobility.¹

Only during the last thirty-five years have we discovered any precise and definite knowledge of the Hittite peoples, who at their height during the thirteenth century B.C. included most of the peoples of inner Asia Minor (Anatolia), the peoples of northern Syria, and all the Mesopotamian peoples. Their influence lasted possibly six or seven centuries. While much is still to be discovered, we know that they had a peculiar script and practiced a particular art and architecture. Though they were never joined in one single empire, and though their sphere of influence was not so widespread as that of the other peoples here discussed, at a certain epoch in their history the Hittites occupied all of the intercontinental bridge between Asia and Europe, controlling the land routes of communication; consequently they had an undeniable influence upon culture movements.

The Assyrian Empire, when at its apogee under Assurbanipal in the seventh century B.C., extended on the east and north to the Iranian plateau including all of Elam and Medea, to the north almost to the Caspian Sea and the Caucasus mountains, to the northwest well up into Asia Minor including Cilicia and to the west; to the southwest it included Syria, Palestine, and Egypt south to beyond Thebes. The Medean and Chaldean empires of the sixth century at the time of Nebuchadnezzar extended these boundaries beyond the Iranian plateau into central Asia to the east, included Bactria, penetrated northwest in the direction of the Black Sea, and extended the control of Egypt to the first cataract. The great Persian Empire of the fifth century B.C., almost entirely through the efforts of Cyrus, included all of Asia to India on the southeast and extended northeast farther than

¹ See BAIKIE, *op. cit.*

any empire ever had before; to the northwest it included all of Asia Minor and extended into the Balkans of Europe; in Egypt it extended south almost to the heights of what is now Ethiopia and penetrated far westward into the Nubian Desert and along the southern Mediterranean shore. Never before had there been such an extensive empire. The empire of Alexander the Macedonian was the only other one of ancient times to equal it in extent. This, in addition, extended down into the valley of the Ganges.

Each of these empires gave way to the next. Each in turn became part of the next. With each the seat of power and influence shifted. The traders' caravans, as always, followed the flag of the marching armies. Changing dynasties caused a continual shifting of peoples. Conquerors forced not only their rule but often also their culture upon the conquered. Unavoidably there was a grand mixing and interpenetration of Sumerian, Semitic, Egyptian, Indo-European, and possibly Japhethite culture elements. In fact, almost every culture of the known world participated in a process of fructifying give and take that extended over a period of three thousand years. Europe is the chief inheritor of this composite culture.

V. THE TYPES OF MATERIALS USED

Social thought from the point of view of this study will consist of any thought reflecting man's attitudes and ideas respecting his relationships with his fellows and the adjustment of relations between human groups of any kind; any social criticism, for this points to social ideals and standards; any specifically mentioned human and social values; any ideas about major social institutions; any expressions of a sense of social responsibility; any thought about social change or development or the desirability of such; any effort to arrive at sounder notions of human and social interest; any thought about social control.

In one's search for the actual sources of ancient social thought, resort must be made to ancient history, but a history based increasingly on the ever accumulating archaeological findings rather than on the limited and not always accurate literary materials. The social thought will be found in or will be derived from the burial texts of the ancients; the inscriptions and friezes of their monumental and public structures; their cult objects; their art; their lists of proverbs and maxims; their tales, myths,

legends, and prophecies; their literature of all kinds—epic, educational, religious and, philosophical—their laws and legal codes; their commercial and legal documents; their political records; their correspondence, where it exists; the pronouncements of their great men; and the records of their ceremonials and festivals. These, examined in the light of the economic, political, and social changes of the respective eras of given successive civilizations and of the ancient world as a whole, give one a conception of pre-Greek social thought which, while by no means complete, is yet fairly comprehensive and typical.

VI. THE SETTING OF THE ANCIENT CIVILIZATIONS

In the chapters that follow, certain social aspects of the thought of ancient Egypt, Babylonia, the Hittites, Assyria, Persia, India, China, and the Hebrews will be examined. These early Near Eastern and Oriental civilizations were the first ones to work out a culture strong enough to project itself into history. They were the first to have some sort of alphabet and writing and hence the means of recording their ideas for distant generations and cultures. They were the first to develop a material culture which produced the leisure essential to the development of thinking and the arts; they were the first to have an intranational and international life sufficiently rich and stimulating and full of challenges and incitement to lead people to think searchingly about themselves, their relations with their fellows, their social organization, and their hereafter.

The reasons for the early development of these peoples are not so difficult to determine. Their environments were very nearly ideal. Four great river valleys—the Nile, the Tigris and Euphrates, the Ganges, and the Hoang Ho—with equable climates bordering on the semitropical, played a very important part. Here were excellent climatic conditions, no serious temperature extremes, a sufficiency of rainfall, and an abundance of sunshine. The fertile soil produced an abundance of food and made possible a substantial economic base. Relatively large populations occupied these valleys, producing abundant contacts and a vitalizing interstimulation. Seasonal floods needed to be controlled and utilized, and available water was conducive to the construction of canals and the development of irrigation on an

extensive scale. The rich produce of the valleys encouraged migrations and led to efforts at conquest.

Culture clashes were provoked that were often stimulating and enriching. Internal civil and economic rivalries also served as prods to organization and thought. Hence in these ancient civilizations we find relatively luxuriant and complex cultures with established industry and commerce, education, politics and government, religion and morals, law, and the arts. Practically every important department of the life of large organized groups was represented by diversified, well-developed, and stabilized social institutions. The inevitable accompanying social philosophy existed in a variety of forms, as the fragmentary evidence clearly shows.

CHAPTER II

THE SOCIAL THOUGHT OF THE ANCIENT EGYPTIANS

I. THE PEOPLE, THEIR CULTURE, AND THE NATURE AND SOURCES OF THEIR LITERATURE

Great civilizations were flourishing in the valleys of the Nile and of the Tigris and Euphrates before the fourth millennium B.C. Which appeared first we do not know.

The institutional and thought history of Egypt cannot be divorced from the Nile. This mighty river, nearly 2,500 miles long with its upper tributaries, flows for its last 1,500 miles, without any inflow whatsoever, through the rocky and arid region that is the Egypt of our study. Its most significant segment, from the first cataract to the head of the delta, is a valley or gorge eroded out of the plateau of the Sahara desert about 550 miles long and nowhere over 30 miles wide. This great river was not only the highway and foundation of the communicative system but the very source of life itself, for it provided the indispensable water; and the periodic inundations of the narrow plain deposited the rich silt which made possible the intensive agriculture by which most of the population sustained itself. Every aspect of Egyptian life was powerfully influenced by this river.

Furthermore, Egypt's seven or eight million inhabitants lived as it were in one vast walled city, bastioned about by forbidding defenses of rocky hills, stretches of naked gravel, and vast expanses of shifting sands. Within this protected area, interrupted by infrequent intrusions from without, they built up their great and relatively enduring civilization.

When the curtain of history was raised for just a glimpse in the sixth millennium, the long but slender valley of the Nile was dotted with villages, grouped into small, independent political units. The people lived in houses made of sun-dried brick; they used decorated pottery made of clay, made cloth of cultivated

flax, raised their own grains, had domesticated animals, worked with tools of bronze, and carved ivory and stone. They plied the Nile in boats, probably originally developed from reed floats, maneuvered by oars and sail, and they carried on an exchange of products and ideas. As early as 4241 B.C. these ancient Egyptians had already discovered the year of 365 days and introduced a calendar year of this length, divided into twelve months of thirty days each and five feast days. At this time they had also invented writing and brought it to a considerable degree of perfection.

When the record becomes clear about the Third Dynasty, and the written social thought begins, the people had long since emerged from the hazy predynastic state. Their civilization was complicated and flourishing. The First Dynasty had been established about 3400 B.C., several centuries earlier. This Third Dynasty was the age of the Great Pyramids. The very existence of the pyramids themselves implied an elaborate set of institutions, including an efficient and centralized political organization, a hereditary kingship, a highly developed religious life, well-established social classes, an economic surplus, an extensive division of labor, probably the *corvée*, private property, public works on a large scale, a high type of engineering science and architecture, and variety of skilled craftsmen. Even "in the earlier millennia of their history the Egyptians were a gifted people, intellectually alert, and already awake when other nations still slumbered; indeed, their outlook on the world was as lively and adventurous as was that of the Greeks thousands of years later."¹

The dynastic period of Egypt was one of alternate development and degeneration, political and economic prosperity and depression, of eras of great and noteworthy cultural advance followed by others when the people slumbered in their ineptitude, of times of order and great imperial power contrasted with times of chaos, upheaval, and confusion. During the first two dynasties, the so-called archaic period, launched by King Menes and lasting over four hundred years, Upper and Lower Egypt, up to this time separate kingdoms, were welded into a single prosperous nation. The advance in writing, art, and craftsmanship was marked during this period as compared with its development during the

¹ A. ERMAN, *The Literature of the Ancient Egyptians*, p. xxii, London, 1927.

long pre-dynastic period. During the period of dynasties III to VI, known as the Old Kingdom (3190–2631 B.C.), art, architecture, and literature flourished, and Egyptian influence was extended abroad. The great pyramids of Zoser, Cheops, and Khafre and the Sphinx at Giza were constructed; the conquest of Nubia to the south was begun; and trade was developed with the east Mediterranean area. Then followed the first period of disintegration covering dynasties VII to X (2631–2300 B.C.). Politically the country resolved itself into a feudal regime with the powerful nobles setting up rival city-state governments of their own. This was an age of social confusion and upheaval and of great individual misery.

About 2375 B.C. the Eleventh Dynasty arose, finally achieving supremacy and seating the somewhat centralized authority in Thebes instead of at the ancient capital of Memphis. Through this and the Twelfth Dynasty, lasting until 2000 B.C., Egypt was in the so-called Middle Kingdom period and enjoyed the great classic period of her culture. While still feudal in its organization, the power of the monarchy was supreme. The nation was raised to a high degree of prosperity and power. Foreign trade was resumed, the southern frontier was extended to the second cataract, the mines of Sinai were worked, public buildings were constructed, and, what is significant from our point of view, a remarkable social literature flourished.

Dynasties XIII to XVI (2000–1635 B.C.) were again a time of disintegration and chaos. During the first two of these dynasties rebellion was rife, and petty knights ruled in many parts of the land. The country, disorganized and disunited, became an easy prey to the great Asiatic invaders, the Semitic, Mongol, or possibly Hittite Hyksos, who ruled in Egypt through the Fifteenth and Sixteenth dynasties (1800–1635 B.C.). During this epoch Egyptian cultural life seemed to be at a standstill.

Around 1635 B.C. a Seventeenth Dynasty arose at Thebes and persistently fought the foreign kings, who were finally expelled at the beginning of the Eighteenth Dynasty. Now was launched the great Empire Period during which, with the help of the horse introduced by the Hyksos, the boundaries of the empire were extended to Mesopotamia on the east and into Nubia to the fourth cataract on the south. Not only Egyptian statecraft but also Egyptian commerce was carried to the ends of the

known world. Egypt, for a while, was supreme in the ancient Near East. Owing to a large influx of immigrants from various parts of the empire and also to trade relations, many internal social changes occurred. The sciences and the liberal arts, medicine, architecture, sculpture, philosophy, and a varied literature flourished, and a great monotheistic religion came into existence for a time. The last Pharaoh of this splendid Eighteenth Dynasty was the heretical Ikhnaton (Amenhotep IV), a genius whose bent was for monotheistic religion rather than empire building and maintenance. Under his administration Egypt lost her military and political control of the Near East and henceforth gradually declined. The Empire Period extends through the Twenty-first Dynasty and ends about 945 B.C. Egypt now passed into a series of obscure dynasties, some of them controlled by foreigners; these concluded with the subjugation by Persia, Greece, and Rome.

The Egyptians of history were a blending of at least two racial stocks. A Negroid race from central Africa had probably made its way into the Nile valley shortly after the last glacial epoch. About 5000 B.C. a great Hamitic invasion from the eastern Sahara also settled in the valley. This mixture related the early Egyptians to the Libyans or North Africans on the one hand and, on the other, to the peoples of eastern Africa, now known as the Galla, Somali, Bega, and other tribes. After this mixture had adjusted itself for several centuries, the land was in turn invaded by Semitic nomads of Asia, who not only left some of their biological characteristics but also stamped certain features of their language unmistakably upon that of Egypt.¹

During most of this period of Egypt's ancient life, the people had a stable government under a king or Pharaoh, and a closely centralized body of national and also local officials. The king's chief administrative officer was the vizier or wazir.² The land was subdivided into forty-two nomes or districts, originally

¹ J. H. BREASTED, *History of Egypt*, pp. 25-26, Charles Scribner's Sons, New York, 1905; G. A. BARTON, *A History of the Hebrew People*, pp. 6-7, New York, 1930; A. H. SAYCE, *The Religions of Ancient Egypt and Babylonia*, p. 23, Edinburgh, 1902.

² He combined in his person, one gathers, the functions of sage, secretary of state, chief justice, superintendent of construction, and, possibly, secretary of the treasury. Reference is occasionally made to the vizier in the literature as "chief of all works of the king."

probably the territories of the forty-two tribes which at an early date composed the population of the valley. These were administered by the ranking local officials known as *nomarchs*. In addition there were the village and city officials similar to the sheiks of today. Economically the Nile valley was, on the whole, in a flourishing state. The well-controlled inundation produced enormous harvests of wheat and barley. There were also extensive vineyards and gardens, large herds of cattle, sheep and goats, droves of donkeys, vast numbers of poultry and wild fowl, and large quantities of fish from the river. An inexhaustible supply of substantial building materials was at hand. Flax grew abundantly and provided both cloth and occupational opportunities. Much of the land was owned by the crown and cultivated by serfs under a sort of feudal system. The population consisted of a series of classes ranging from the nobles and officials at the top, through the free middle class, to the free landholders or husbandmen, then through the artisans and herdsmen, to the slaves and serfs at the bottom who made up the bulk of the population.

The internal strength of the state was evidenced by the extensive use of the *corvée*, that is, the levy on the small landholders and artisans, as well as serfs, for their services at opportune times of the year on public works, such as building and cleaning canals, developing or conducting of irrigation projects, and the construction of pyramids and other regal monuments. Marriage was largely monogamic, though the harem was not unknown, and the inheritance seems to have been through the female line. Education, indispensable for the upper classes, was highly utilitarian in its nature. The religion was mainly a polytheism in which the sun and the Nile played important parts. Its most significant feature from our point of view, since without it most of our source material would never have existed, was the prominent place given in it to the life after death. The body was preserved with an array of necessities and other materials making identification possible for the returning spirit.

The diverse social relationships of this rich and teeming culture necessitated hourly decisions regarding behavior within and between different groups, such as families, occupations, ranks, and classes, and in various types of social situations—domestic, economic, religious, political. As we have implied, a definite

and extensive system of social order with the requisite institutional agencies was in effect. In the early pyramid age social sensitiveness and a social consciousness emerged; the terms for "righteousness" and "justice" appeared.¹ Right social action was desirable, and men were eager to affirm their innocence of antisocial behavior. For the first time in the recorded history now available, man contemplated himself among his fellows; he wanted a good name on earth and laid down the means of achieving it in daily life.

Ancient Egypt offers the earliest existing specimens of social thinking. A series of papyri; a considerable number of monumental inscriptions, some going back to the Third Dynasty; and later some clay tablets are available. They provide a record, fragmentary and highly specialized in nature, to be sure, but sufficient to enable us to judge the scope and character of this archaic thought. The outstanding feature of these early texts is that they are largely of a funerary character. This is doubtless due in part to the fact that the contents of tombs were much more often preserved than those of houses or temples.² The upper classes were buried either in crypts hewn into the rocky cliffs and then sealed or in specially constructed edifices of stone, of which the pyramids were the elaborate form used by the Pharaohs. This fact also introduces both an element of chance and a selective feature. Much of the writing was on papyrus. Thus what we have rests upon the unlikely chance that a fragile sheet of papyrus would last for four or five thousand years. Accordingly, out of a once large mass of writings, only isolated fragments have been made known to us.³

One of the features of this Egyptian funerary literature is the fact that the Egyptian provided a vast amount of interesting and valuable data and ideas in his burial papyri and inscriptions, most of them, apparently, prepared before death by the future occupant himself. Much descriptive matter regarding behavior, especially along the lines of economic, social, and political achievement, is included, as are also various contemporary and earlier classics dealing with social situations and functioning, in a measure, as

¹ BREASTED, *op. cit.*, p. 166; see also T. E. PEET, *Cambridge Ancient History*, Vol. I, p. 346.

² Cf. BREASTED, *Cambridge Ancient History*, Vol. II, p. 197.

³ ERMAN, *op. cit.*, p. xxiii.

archives.¹ But, of course, monumental sources, even when complete, are at best but insufficient records.

The chief sources of early Egyptian thought vary from period to period. For the thought of the Old Kingdom we are largely dependent upon the so-called *Pyramid Texts*, discovered in 1880-1881. These consist of monumental inscriptions preserved in Fifth and Sixth Dynasty pyramids. While entirely funerary in character, they are vast in extent and give, by implication, a new view of the great and complicated fabric of the institutional and thought life of ancient Egypt. Breasted states that they "form the oldest body of literature surviving from the ancient world and disclose to us the earliest chapter in the intellectual history of man as preserved to modern times."² The Middle Kingdom had its *Coffin Texts*, while the New Empire had its *Book of the Dead*, which consists of collections of chapters written on rolls of papyrus or linen which had been placed with the mummy in its case, or they were written on the walls of tombs. The events and literature recorded date from the third millennium

¹ T. Eric Peet gives a possible explanation of these lengthy tomb inscriptions. "On the tomb-stelae of the great nobles of the Old Kingdom we find their good deeds recited in order to persuade the passers by their tombs to say those prayers which according to Egyptian belief could secure food and drink to the dead. So Herkhuf says: 'I was one who was excellent; beloved of his father, approved of his mother, one whom all his brethren loved. I gave bread to the hungry, clothes to the naked. I ferried across the river him who had no boat. Ye who live upon the earth, who pass by this tomb in going up or down stream, and who shall say, "Thousands of bread and beer for the owner of this tomb," I will give thanks to you in the Necropolis.' Here we have a tacit admission of the fact that all the virtues enumerated are impotent to procure for the deceased the most elementary physical needs of life in the tomb. He uses the catalogue of his good deeds merely to persuade his survivors to recite those prayers which it is believed could secure for him food and drink. But we must observe the logical consequences. Felicity in or beyond the tomb is dependent on the performance of correct rites and the pronouncing of the correct prayers by a man's fellows at his tomb. The most obvious way in which he can enlist their sympathy and services is by assuring them on his grave—stating that he acted kindly to his neighbors in his lifetime and bidding them requite it in this way. Thus good actions do indirectly help to ensure a happy hereafter." *Op. cit.*, Vol. I, pp. 346-347. See also BREASTED, *Ancient Records*, Vol. I, pp. 328-331, Chicago, 1906.

² BREASTED, *Development of Religion and Thought in Ancient Egypt*, Preface. Charles Scribner's Sons, New York, 1912.

B.C. on. The materials were collected in the Empire period (1580–1167 B.C. according to Budge). Parts of the *Book of the Dead* were known in Greco-Roman times; in fact, Herodotus and Diodorus obtained most of their information regarding early Egypt from these sources. Since then the lists have been accumulating.

In addition to these special sources, archaeologists working in the numerous and often well-preserved ruins of temples, tombs, and public buildings are finding a rapidly accumulating number of other papyri; additional records written on coffin covers; limestone tablets, possibly used for instructional purposes; and some clay tablets, notably the Tell-el-Amarna letters. These last amount to nearly 300 separate clay tablets and constitute part of the files of the diplomatic correspondence of the courts of Amenhotep III and Amenhotep IV, kings of Egypt between 1411 and 1357 B.C., with various kings, princes, and chieftains of Babylonia, Assyria, Phoenicia, Palestine, and the Mitanni and Hittites. While of untold value along a variety of lines, they add little to our special search.

In addition to the fact that early Egyptian literature is so largely funerary in character, other difficulties must be mentioned. One of these is that the available literature deals so largely with material things or religious affairs. The social thought and the expressions of social consciousness must be carefully extracted from what often seems to be quite beside the point of such a study as this. Another characteristic that limits the scope of the thought is the fact that the early Egyptian always thought in concrete graphic form; he did not have a terminology for the expression of abstract ideas, even if his materialistic and opportunistic life had allowed it. Finally, most of the thought in which we are interested comes before 1250 B.C. After that Egypt is in decline. She is successively conquered by the Amorites, Libyans, Ethiopians, Assyrians, Greeks, Romans, and Arabs. There may have been social thought in the interim before the period in which we are interested elapses, but it is not recorded.

While the literature is limited, yet a selection must be made for our purpose. And while this social thought is scattered and incipient as it emerges from a host of obscuring influences, it is far too abundant and too significant to be adequately and justly

treated within the confines of a single chapter. The chapter following will treat of the most voluminous single class of Egyptian literature, the numerous and occasionally extensive lists of precepts and admonitions. This chapter will be confined to a number of other typical varieties of social writing which indicate the nature and scope of this literature. Included will be the social philosophy of disillusionment of Imhotep, the vizier of King Zoser of around 3150 B.C.; the ideals of political administration as voiced by Henku, the nomarch in the twenty-ninth century; the social reflections and lamentations of the sensitive Priest of Heliopolis of the Ninth or Tenth dynasty; the diatribe against social conditions and standards of the *Man Weary of His Life* of the Ninth Dynasty during the feudal period; the pointed and comprehensive social criticism, the admonition to reform, and also the messianic or utopianistic pronouncements of Ipuwer and Nefer-rohu of the close of the Tenth or the beginning of the Eleventh Dynasty, approximately 2300 B.C.; the brilliant conceptions of social and administrative justice found in the *Tale of the Eloquent Peasant* of around 2400 B.C. in the Middle Kingdom; and the magnificent spirit of justice and social responsibility which plays through the traditional address read to the new incumbent of the vizierial office known as the *Installation of the Vizier*, the earliest copy of which goes back to Thutmosis (Thothmes) III (1501-1447 B.C.).¹

II. THE SOCIAL THOUGHT

From the earliest times the Egyptian recognized that he owed certain duties to his village and his neighbor. Particularly was he impressed with the idea of respecting the lives and property of his neighbors, and their wives and cattle. The rise of ideas of kindness and humanity as well as ideas of social expediency can also be traced. It did not pay to retaliate or take vengeance. A very definite code for social behavior, particularly as regards overt behavior or the reaction to external events, appeared. The results of experience and discretion were written down. As the

¹ The datings used throughout are those of the *Cambridge Ancient History*, which are increasingly being accepted as standard. While there has been some question as to the periods to which to assign the various ancient authors mentioned, a considerable agreement has now been reached in most cases. Such generally accepted assignments are used herein.

society became highly organized, and the nation a world power, ideas of justice, social values, social criticism, principles of administrative excellence, and social and diplomatic astuteness were developed and given voice in the literature. The one important detail to remember throughout is that owing to the fact that the literature came largely from funerary sources, it reflected these social ideas mainly as they were held by the kings, nobles, and upper classes.

The oldest bits of Egyptian social literature that we have are two ancient sets of precepts or admonitions for the young men of the official class, those of the viziers Kagemni and Ptahhotep, very ancient and very wise officials of the Third and Fifth dynasties. These will be treated along with others of their type in the chapter following. Hence we begin here with the thought attributed to another ancient vizier. The expressed ideas of these three viziers reflect in a pointed way the existent thought of this early era.

1. Imhotep and His Philosophy of "Eat, Drink, and Be Merry."

In a papyrus¹ and also on a wall of a Theban tomb, both of the Eleventh or Twelfth Dynasty, has been found a poem which has come to be called the "Song of the Harper." It was a dirge chanted during and after the feudal age of Egyptian history while the mummy figure was carried around at the funeral feast. The papyrus is headed, "Song That Is [or Was] Sung in the Tomb-house of King Intef [Twelfth Dynasty], Which Is in Front of the Singer with the Harp." Its philosophy and perhaps most of its form is thought to date back to the old worthy Imhotep, vizier of King Zoser of the Third Dynasty (3190-3100 B.C.). Imhotep was not only a great political administrator but also an architect, sage, and magician-physician, later recognized as the founder of medicine. He was much given to dilating upon the uncertainty and brevity of life and developed the doctrine that a man is soon gone and forgotten; therefore he should enjoy life to the fullest extent while he may. In the copies available Harzosef or Hardedef, a prince of the time of the Pyramids, shares with him the credit for the ideas.

How happy is this good prince!

His goodly destiny is fulfilled:

¹ Papyrus No. 10,060, British Museum, commonly known as "Harris 500." Also found in a papyrus at Leiden.

The body perishes, passing away,
 While others abide, since the time of the ancestors.
 The gods who were aforetime rest in their pyramids.
 As for those who built houses—their place is no more;
 Behold what hath become of them.
 I have heard the words of Imhotep and Harzozef,
 Whose utterances are of much reputation;

Yet how are the places thereof?
 Their walls are in ruin,
 Their places are no more—
 As if they had never been.

None cometh from thence,
 That he might tell us their state;
 That he might restore our hearts,
 Until we too depart to the place,
 Whither they have gone.

Encourage thy heart to forget it,
 And let the heart dwell upon that which is profitable for thee.
 Follow thy desire while thou livest,
 Lay myrrh upon thy head,
 Clothe thee in fine linen,
 Imbued with luxurious perfumes,
 The genuine things of the gods.

Increase yet more thy delights,
 Let not thy heart be weary,
 Follow thy desire and thy pleasure,
 And mould thine affairs on earth
 After the mandates of thy heart,
 Till that day of lamentation cometh to thee,
 When the stilled heart hears not their mourning;
 For lamentation recalls no man from the tomb.

Celebrate the glad day!
 Rest not therein!
 For lo, None taketh his goods with him,
 Yea, no man returneth again that is gone thither.¹

¹ This translation is by BREASTED, *A History of Egypt*, New York, p. 206, 1910. Other English translations can be found in BREASTED, *Development of Religion and Thought in Ancient Egypt*, pp. 182–183, New York, 1912; *The*

2. The Administrative Idealism of Henku the Nomarch.—

Among the many interesting tomb inscriptions this one is not insignificant. Henku, nomarch of the twelfth nome of Upper Egypt late in the Fifth Dynasty (2965–2825 B.C.) had placed on his tomb a rather lengthy description of his justice, fairness, and magnanimity and his ability to produce and maintain prosperity as a governor. The fragment reflects what was considered to be right and proper for a nomarch to do in those early days whether he did it or not. The readers will detect in this political idealism the “full-dinner-pail” appeal among others.

O all ye people of the Cerastes-Mountain; O ye great lords of other nomes, who shall pass by this tomb, I, Henku, tell good things. . . . I gave bread to all the hungry of the Cerastes-Mountain; I clothed him who was naked therein. I filled its shores with large cattle and its lowlands with small cattle. I satisfied the wolves of the mountain [sacred in Henku's locality] and the fowl of heaven [the hawk, also sacred] with flesh of small cattle. . . . I was lord and overseer of southern grain in this nome. . . . I settled the feeble towns in this nome with the people of other nomes; those who had been peasant-serfs therein, I made their offices as officials. I never oppressed one in possession of his property so that he complained of me because of it to the god of my city; I spoke, and told that which was good; never was there one fearing because of one stronger than he, so that he complained because of it to the god. . . . I was a benefactor to the nome in the folds of the cattle, in the settlements of the fowlers. I settled its every district with men and cattle. . . . I speak no lie, for I was one beloved of his father, praised of his mother, excellent in character to his brother, and amiable to his sister.¹

To show further efflorescence of a fine social sensitiveness, the following extract from the tomb inscription of a citizen of this period may be mentioned: “I was one beloved of the people.

Dawn of Conscience, pp. 162–168, New York, 1934; A. WEIGALL, *A History of the Pharaohs*, Vol. I, p. 292, London, 1927; E. A. W. BUDGE, *The Literature of the Ancient Egyptians*, pp. 242–243, J. M. Dent & Sons, Ltd., London, 1914; J. B. HURRY, *Imhotep*, pp. 18–19, London, 1926; ERMAN, *op. cit.*, pp. 132–134, London, 1927.

¹ Translation by BREASTED, *Ancient Records*, Vol. I, pp. 126–127, University of Chicago Press, Chicago, 1906. See also J. BAIKIE, *History of Egypt*, Vol. I, pp. 198–199, New York, 1929; BREASTED, *Development of Religion and Thought in Ancient Egypt*, pp. 168–169, New York, 1912; *The Dawn of Conscience*, pp. 123–124, New York, 1934.

Never was I beaten in the presence of any official since my birth; never did I take the property of any man by violence. I was a doer of that which pleased all men."¹ At about the same time a song on the tomb of Neferhotep carries the sentence: "Give bread to him who has no field, and create for thyself a good name for posterity forevermore."

Similarly in the twenty-sixth century B.C., Harkhuf of Elephantine, one of the earliest of African explorers, had inscribed on his tomb, among other things, these thoughts:

I was . . . [beloved] of his father, praised of his mother, whom all his brothers loved. I gave bread to the hungry, clothing to the naked, I ferried him who had no boat. . . . I was one saying good things and repeating what was loved. Never did I say aught evil to a powerful one against anybody. I desired that it might be well with me in the Great God's presence. Never did I [judge two brothers] in such a way that a son was deprived of his paternal possession.²

3. Dialogue with His Soul of a Man Weary of His Life.—The period of the Seventh to the Tenth dynasties is known as the Feudal Period of Egyptian history, because of the similarity of the conditions prevailing and those of the Middle Ages of Europe. It was a time of trouble, chaos, and confusion. The land, at least the delta region, witnessed a great foreign invasion from Asia; internal dissension and civil wars, economic depression, the upheaval of the class system, a wave of immorality and social degeneracy, and a marked decline in the cultural life also occurred.³ This age developed, during or just after it, consequently some of the outstanding contemplative literature of pre-Greek times. Several examples are notable for their revealing pessimism, while two give us the first prophetic and utopianistic writings on record. Of the first type we shall examine briefly. *The Dialogue with His Soul of a Man Weary of His Life* and the Lamentations of the Priest of Heliopolis; of the second, the writings of the old analysts and prophets Ipuwer and Nefer-rohu. These ancient bits of writing are characterized chiefly by vivid descriptions of the appalling state of Egypt, and the futility of

¹ BREASTED, *Ancient Records*, Vol. I, p. 125.

² Cf. BREASTED, *The Dawn of Conscience*, pp. 125–126, Charles Scribner's Sons, New York, 1934.

³ Cf. M. I. ROSTOVITZEFF, *A History of the Ancient World*, Vol. I, p. 36, Oxford, 1926–1928.

life, together with prophecies or at least anticipations of better things.

The writing known now as the *Dialogue with His Soul of a Man Weary of His Life* is a most significant piece of pessimistic literature. The document is in the form of a papyrus of the Ninth or Tenth Dynasty (2500–2300 B.C.), preserved in the former Royal Library at Berlin (Papyrus No. 3024). The Misanthropist, as Breasted calls him, points to upheaval and degeneracy and depicts the despair resulting from injustice, disease, self-indulgence, and social chaos. It is a great social diatribe which incidentally also presents the social conditions and standards. The unfortunate man had apparently been abused, robbed, and forsaken by his friends. He is in darkest despair and contemplates suicide. In this condition he has the dialogue with his soul, presented in the form of four poems. In the first he reiterates in a series of strophes the fact that his name has come to be displeasing to his fellows. "Lo, my name is abhorred," in a number of ways: like the smell of birds on a hot summer's day or the smell of a fish handler or of water-fowl congested in a bed of willows or like crocodiles. The second poem, of special interest to us, deals with the corruption of the men of his time. Here are sounded the very depths of social degeneracy. Each three-line strophe begins with the words, "To whom do I speak today?" probably meaning, "What manner of men are those to whom I speak?"

Brothers are bad,
The friends of today lack love.

Hearts are shameless,
Every man seizeth the goods of his neighbor.

The meek man goeth to ground [*i.e.*, is destroyed],
The audacious man maketh his way into all places.

The man of gracious countenance is wretched,
The good are everywhere treated as contemptible.

When a man stirreth thee up to wrath by his wickedness,
His evil acts make all people laugh.

Robbery is practiced,
Everyone stealeth the possessions of his neighbor.

Disease is continual,
The brother who is with it becometh an enemy.

One remembereth not yesterday,
One doeth nothing in this hour.

Brothers are bad . . .
. . . [Missing].

Faces disappear,
Each hath a worse aspect than that of his brother.

Hearts are shameless,
The man upon whom one leaneth hath no heart.

There is no righteous man left,
The earth is an example of those who do evil.

There is no true man left,
Each is ignorant of what he hath learned.

No man is content with what he hath;
Go with the man [you believe to be contented], and he is not [to be found].

I am heavily laden with misery,
I have no true friend.

Evil hath smitten the land,
There is no end to it.

In the third poem, death, as a glad release, is carefully and fully described in most graphic terms. The fourth poem is a forward glance into the ultimate future. The sojourner yonder shall be justified and enjoy exceptional privileges. A frequently appearing touch of this early period is found in the final advice of the soul, "Follow after the day of happiness, and banish care," which probably means that one should aim to make oneself happy and contented at all times and not worry too much about the present or the future.¹

¹ The translation above is from Budge's treatment, *op. cit.*, pp. 231-235. For other translations and interpretations in English see BREASTED, *Development of Religion and Thought in Ancient Egypt*, pp. 188-197; ERMAN, *op. cit.*,

This magnificent fragment forcibly and graphically presents the travail of the individual spirit as he is confronted by social conditions and forces that have victimized him but are beyond his control. As has often occurred since, death is idealized as the release. But one who wishes to live sees in it also a plea for happy social relations and a crusade for social righteousness.

This can easily be compared to the Book of Job, as both Breasted and Peet compare it.¹ Job, especially in his calmer moments, reminds one forcibly of this suicide who, at least fifteen hundred years before him, while suffering a similar experience also longed for death.

4. The Lamentations of the Priest of Heliopolis.—Various other bits of literature have survived from the Egyptian dark ages. Another significant fragment has as author a man who later was a priest of Heliopolis and was named Khékheperresonbu, and surnamed Onkhu. He also was filled with disgust and disquiet at the widespread corruption and decadence of all classes. His disillusionment led him to write down his reflections. He did it so well that four hundred years later a scribe copied his composition upon a board now preserved in the British Museum.²

In the two introductory paragraphs he shows that he realizes that his ideas are different from those embedded in the Egyptian literature. He then launches into his lamentation, parts of which are found below.

I am meditating on the things that have happened, the events that have occurred in the land. Transformations go on, it is not like last year, one year is more burdensome than the next. . . . Righteousness is cast out, iniquity is in the midst of the council-hall. The plans of the gods are violated, their dispositions are disregarded. The land is in distress, mourning is in every place, towns and districts are in lamentation. All men alike are under wrongs; as for respect, an end is made of it. The lords of quiet are disquieted. . . .

I am meditating on what has happened. Calamities come in today, tomorrow afflictions are not past. All men are silent concerning it, [although] the whole land is in great disturbance. Nobody is free from

pp. 168-179; G. MASPERO, *New Light on Ancient Egypt*, pp. 109-115, London, 1909; J. BAIKIE, *History of Egypt*, Vol. I, pp. 366-367.

¹ BREASTED, *op. cit.*, p. 188; PEET, *Comparative Study of the Literatures of Egypt, Palestine and Mesopotamia*, p. 117, London, 1931.

² No. 5645.

evil; all men alike do it. Hearts are sorrowful. He who gives commands is as he to whom commands are given; the heart of both of them is content. Men awake to it in the morning daily, [but] hearts thrust it not away. The fashion of yesterday therein is like today and resembles it [because] of many things. . . . There is none so wise that he perceives, and none so angry that he speaks. Men awake in the morning to suffer every day. Long and heavy is my malady. The poor man has no strength to save himself from him that is stronger than he. It is painful to keep silent concerning the things heard, [but] it is suffering to reply to the ignorant man. To criticise an utterance causes enmity, [for] the heart receives not the truth, and the reply to a matter is not endured. All that a man desires is his own utterance. . . .¹

The society that he describes is one shackled by its own inertia, filled with iniquity and disorder, dependent upon cowardly and corrupt leaders, unable to discern not only the right and truth but its own profound misery, and without initiative to inaugurate its own reconstruction. As Breasted hints, many of his reflections might be appropriate in the mouth of a sensitive social observer of our own times. Here we have highly developed social consciousness and a deep sense of the unworthiness of the society of the day.

5. The Great Egyptian Prophets Ipuwer and Nefer-rohu.—The Egyptians, like certain other Near Eastern peoples, especially the Hebrews, had their prophets. Their social criticisms and predictions were circulated widely by word of mouth, eventually written down and passed on to successions of generations, and probably read and commented upon in the schools. Fragments of the sayings of two Egyptian prophets, Ipuwer and Nefer-rohu, have survived to this time.²

These two prophecies, like the two pieces of Egyptian literature just discussed, are also products of the dark ages of Egyptian history, the period from the fall of the Sixth Dynasty until the rise of Thebes to supremacy under the Antefs and Mentuhoteps of the Eleventh and Twelfth Dynasties (2375–2000 B.C.). While most barren in the sort of events to which history has traditionally

¹ Translation in BREASTED, *op. cit.*, pp. 200–202; *The Dawn of Conscience*, pp. 178–180. See also BUDGE, *op. cit.*, pp. 235–236; ERMAN, *op. cit.*, pp. 103–110; A. H. GARDINER, *Admonitions of an Egyptian Sage*, Appendix, pp. 95–112, Leipzig, 1909.

² The Ipuwer fragment is the Leiden Papyrus I, No. 344, dating from the Nineteenth Dynasty. The Prophecy of Nefer-rohu is Petrograd, 1116B.

devoted itself, it was an age most interesting from the point of view of our knowledge of the conditions of human living. Voices speak out of the almost unmitigated darkness of these three obscure centuries—voices of protest, denunciation, and prophecy. At the end of this period these two prophets speak out, Ipuwer in the Tenth Dynasty and Nefer-rohu somewhat later. These Egyptian prophets, it will be noted, share many of the characteristics of the Hebrew prophets,¹ especially their appearance in “bad times,” their proficiency as social analysts and critics, and their ability to lay down constructive or rather idealistic admonitions looking toward the regeneration of society and the golden age that might ensue.

Ipuwer stands, dramatically, in the presence of the Pharaoh and delivers his long and impassioned discourse. He does not hesitate to lay before the august assemblage the terrible wickedness, misery, disorder, and disaster which confront the land. He finds the institutional life of the Nile valley in confusion. Government is disorganized owing to violence and warfare within and terrors of foreign invasion. The property is destroyed, and the economic processes of the land cease. Foreign commerce decays and disappears. Asiatics raid the eastern frontiers. The conditions of the classes have been altered—almost a complete reversal in some cases. The disrespect for the law is widespread. The public welfare is disregarded. Social, moral, and spiritual decay are imminent.²

The [very] door-keepers say: “Let us go and plunder.”³ The washerman refuseth to carry his load. Even the bird-catchers have to make themselves ready for battle, with shields. . . . A man looketh upon his

¹ J. O. Hertzler, *History of Utopian Thought*, pp. 47–50, New York, 1923.

² On the prophecy of Ipuwer cf. GARDINER, *op. cit.*, Leipzig, 1909; MASPERO, *op. cit.*, pp. 228–233, London, 1909; BREASTED, *Development of Religion and Thought in Ancient Egypt*, pp. 203–216; J. M. POWIS SMITH, *The Prophet and His Problems*, pp. 16–33, New York, 1914; BREASTED, “The Earliest Social Prophet,” *American Journal of Theology*, Vol. XIV, pp. 114–116, January, 1910; H. O. LANGE, “Prophezeiungen eines Aegyptischen Weisen,” *Sitzungsberichte der Königlich preussischen Akademie der Wissenschaften*, pp. 601–610, 1903; H. RANKE, in H. GRESSMAN, *Altorientalische Texte und Bilder*, Vol. I. pp. 202–210; Ed. MEYER, *Die Israeliten*, pp. 451–455, 1906; BUDGE, *op. cit.*, pp. 236–240, London, 1914; WEIGALL, *op. cit.*, Vol. I, pp. 236–238, 240; ERMAN, *op. cit.*, pp. 92–108.

³ The translation is that of Gardiner.

son as an enemy. The virtuous man goeth in mourning because of what hath happened in the land. Strangers [normally despised] are become Egyptians everywhere. Nay but the land is full of troops of brigands. A man goeth to plough with his shield. . . . Nay, but Nile is in flood, yet none plougheth for him. Every man saith: "We know not what hath happened throughout the land." Nay, but women are barren, and there is no conception. Khnum [creator of man] fashioneth men no more because of the condition of the land. Nay, but poor men possess fine things. He who once made for himself no sandals [*i.e.*, a barefooted slave] now possesseth riches. Nay, but many dead men are buried in the river. The stream is a sepulchre, and the Pure Place is become a stream. Nay, but the high-born are full of lamentations, and the poor are full of joy. Every town saith: "Let us drive out the powerful from our midst." . . . The land turneth around as doth a potter's wheel, and the robber possesseth riches. Plague is throughout the land. Nay, but the river is blood. Doth a man drink thereof, he rejecteth it as human, [though] one thirsteth for water. . . . Nay, but the crocodiles are gluttoned with what they have carried off. Men go to them of their own accord [*i.e.* commit suicide]. Nay, but gold and lapis lazuli, silver and turquoise, carnelian and bronze, marble and . . . are hung about the neck, of slave girls. But noble ladies walk through the land, and mistresses of homes say: "Would that we had something that we might eat." . . . Men do not sail to Byblos [north] today [*i.e.*, engage in commerce]. What can we do to get cedars for our mummies? . . . Nay, but laughter perisheth and is no longer made. It is grief that walketh through the land, mingled with lamentations. Nay, but great and small say: "I wish I were dead!" Little children say: "He ought never to have caused me to live!"

Forsooth, all animals, their hearts weep. Cattle moan because of the state of the land. A man strikes his brother [the son] of his mother. The roads are guarded. Men sit over the bushes until the benighted [traveler] comes, in order to plunder his burden. What is upon him is taken away. He is belaboured with blows of the stick and slain wrongfully. Forsooth, grain has perished on every side. . . . Everybody says: "There is none." The storehouse is ruined. Its keeper is stretched upon the ground. . . . All is ruin.

Forsooth, the splendid judgment-hall, its writings are taken away. Public offices are opened and [their] census lists are taken away . . . [officials] are slain and their writings are taken away. The laws of the judgment-hall are cast forth; men walk upon [them] in the public places; poor men break them up in the streets. Two things are done that have never been for long time past; the King is taken away by poor men. Behold a few lawless men have ventured to despoil the land of the

kingship. The secrets of the kings of Upper and Lower Egypt are divulged. Behold, the judges of the land are driven out through the land.

He then fearlessly charges the king with being partly responsible for the prevailing conditions:

Taste, knowledge, and truth are with thee. Confusion is what thou dost put throughout the land together with the noise of tumult. Behold, one uses violence against another. People conform to that which thou hast commanded. If three men journey upon a road, they are found to be two men; the greater number slay the less. . . . It is because thou hast acted so as to bring these things about. Thou hast spoken falsehood. . . . Would that thou mightest taste some of these miseries. To be ignorant of it is what is pleasant in their hearts. Thou hast done what is good in their hearts. Thou hast nourished people with it.

Much has been omitted from this social arraignment. But the nature and the spirit of Ipuwer's criticism is obvious. His is a resolute and complete exposure of social ills, given with detachment and objectivity. There is no fanaticism or ecstasy. A unique note is the lack of sympathy for the poor and lower classes. He is chiefly worried over the fact that the established order of society has been overthrown; that slaves and artisans are supreme, and the upper classes have been dispossessed, shorn of power, and reduced to beggary and want.

But the most unique element is the fine utopian fragment at the end. Ipuwer is too wise to leave his listeners in a state of hopelessness and dejection. He anticipates or at least hopes for the advent of an ideal sovereign. From a portion of the papyrus which is incomplete one gets the impression that this savior will restore peace and that under his beneficent influence social life will again flourish, marriages again become fruitful, safety once more reign on all the highways, and the invaders be driven out. Then follows this astonishing fragment:

He brings cooling to the flame. It is said he is the shepherd of all men. There is no evil in his heart. When his herds are few, he passes the day to gather them together, their hearts being fevered. Would that he had discovered their character in the first generation [of men]. Then he would have stretched forth his arm against it. He would have smitten the [seed] thereof and their inheritance. . . . Where is he today? Doth he sleep perchance? Behold his might is not seen.

Professors H. O. Lange, Ed. Meyer, J. H. Breasted, and others claim Messianic significance for this passage, declaring it to be a prophecy of a coming prince who will order and heal his people and restore the land to its former prestige and power. Breasted, in fact, states:

While there is no unquestionably predictive element in this passage, it is a picture of the ideal sovereign, the righteous ruler with "no evil in his heart," who goes about like a "shepherd" gathering his reduced and thirsty herds. Such a righteous reign, like that of David, has been and may be again. The element of hope, that the advent of the good king is imminent, is unmistakable in the final words: "Where is he today? Doth he sleep perchance? Behold, his might is not seen." . . . The peculiar significance of the picture lies in the fact that, if not the social programme, at least the social ideals, the golden dream of the thinkers of this far-off age already included the ideal ruler of spotless character and benevolent purposes who would cherish and protect his own and crush the wicked. Whether the coming of this ruler is definitely predicted or not, the vision of his character and his work is here unmistakably lifted up by the ancient sage—lifted up in the presence of the living king and those assembled with him, that they may catch something of its splendor. *This is, of course, Messianism nearly fifteen hundred years before its appearance among the Hebrews.*¹

In this passage also appears another famous device in social literature, namely, the use of the ideal to criticize the real. Later social analysts and reconstructionists appearing in times that were bad for everyone, and especially dangerous for reformers, were to make much greater use of this technique.

Maspero and Powis Smith both contend that this prophecy is not the first of its kind but rather a representative bit of an important branch of Egyptian literature. Forerunners had created a style and a method. Ipuwer and Nefer-rohu simply applied these principles to their own times. Unavoidably their own genius is reflected in their utterances and conclusions, however.²

A less widely known prophecy is that of Nefer-rohu who appeared a dynasty or so later than Ipuwer. The prophecy is thought to have been written at the time of King Amenemhet I

¹ *Development of Religion and Thought in Ancient Egypt*, pp. 211-212. Italics mine.

² Cf. MASPERO, *op. cit.*, p. 233; POWIS SMITH, *op. cit.*, p. 29, New York, 1914.

(1995–1965 B.C). It relates how King Snefru, seeking diversion, commanded that some one should be brought before him to amuse him with “beauteous words and choice speeches.” Nefer-rohu obtained the commission. On being asked to tell of things to come he first took advantage of the opportunity to present to the king the present miseries of the realm.

Up, mine heart, that thou mayest bewail this land whence thou art sprung. . . . Rest not! Behold, it lieth before thy face. Rise up against that which is in thy presence. . . . The whole land hath perished, there is nought left. . . . This land is ruined; none concerneth himself about it any more, none speaketh, and no eye weepeth.

I will speak of what is before me, and foretell nought that is not also come. The river of Egypt is empty, men cross over the water on foot. All good things are passed away, and the land is laid low through misery, by reason of yon flood of the Bedouins who traverse the land. Foes are in the East, Asiatics are come down into Egypt; no helper heareth. By night one will suddenly be fallen upon; men shall force their way into houses; sleep shall be banished from mine eyes, and I lie there and say: “I am awake.”

The wild beasts of the desert shall drink from the river of Egypt, in order that they may cool themselves upon their banks, for that there is none to scare them away. This land is taken away and added to, and none knoweth what the issue will be.

I show thee the land in lamentation and distress; that which never happened [before] hath happened. Men shall take up weapons of war, that the land may live in uproar. Men shall fashion arrows of copper, that they may beg for bread with blood. Men laugh with a laughter of disease. Men will not weep because of death. . . . One slayeth another. I show thee the son as foeman, and the brother as adversary, and a man murdereth his father.

All good things have departed. The land is destroyed . . . that which was made is as though it had not been made. Men take the goods of a man [of high estate] from him and give them to one from without. I show thee the possessor in deprivation, and him that is [from] without contented.

Moreover, hatred reigns among the townsmen; the mouth that speaketh is brought to silence, and a speech is answered, while the hand reaches out with the stick. . . . A thing spoken is as fire for the heart, and what a mouth uttereth is not endured. The land is minished, and its governors are multiplied. [The field] is bare, and its imposts are great; little is the corn and great the corn-measure, and it is measured to overflowing.

I show thee the land in lamentation and distress. The man with a weak arm hath an arm. . . . I show thee how the undermost is turned to uppermost. . . . Men live in the necropolis. The poor man will acquire riches . . . paupers eat the offering-bread. . . . The nome of Heliopolis will no longer be a land.¹

Then appears the Messianic statement, in itself more remarkable than that of Ipuwer, for Ipuwer presented only the ideal. Nefer-rohu actually predicts the appearance of an ideal ruler of state under the form of the sun-god Ra. While this may be merely a puff to a monarch already on the throne, it, and the arraignment preceding, have a singular ring of sincerity, as well as an undoubted power.

A king shall come from the south, called Ameni, the son of a woman of Nubia, and born in Upper Egypt. He shall receive the White Crown, and wear the Red Crown . . . Be glad, ye people of his time! . . . They that work mischief and devise hostility, they have subdued their mouthings for fear of him. The Asiatics shall fall before his carnage, and the Libyans shall fall before his flame. The foes succumb to his onset, and the rebels to his might. The royal serpent that is on his forehead, it pacifieth for him the rebels. . . . And Right shall come again into its place, and Iniquity—that is cast forth. He will rejoice who shall behold this, and who shall then serve the king.²

6. The Tale of the Eloquent Peasant.—The Middle Kingdom period produced a different variety of literature. Conditions of social balance, economic prosperity, and internal peace apparently had been restored. The literature depicts the problems of a rather stable society. One choice bit is known as *The Tale of the Eloquent Peasant*. That it was a widely circulated tale is evidenced by the surprisingly large number of existing papyri preserving it.³

It is supposed to relate to conditions existing in the Eleventh or Twelfth Dynasty, though by some, notably Breasted, it is

¹ A. ERMAN, *The Literature of the Ancient Egyptians*, "The Prophecy of Neferrohu," pp. 112-115, Methuen & Co., Ltd., 1927. Reprinted by permission of the author and publisher.

² Quoted from ERMAN, *op. cit.*, pp. 112-115. See also BAIKIE, *op. cit.*, Vol. I, p. 239.

³ There are three in the Berlin Museum (Nos. 10,499, 3023, and 3025), part of one in the British Museum (No. 10,274), and two in the Amherst collection.

dated as early as the Ninth or Tenth. Its practical objective quite obviously was to set forth the proper character and spirit and the high standard of impartial justice expected of the official class in Egypt. This it does in the typically concrete manner of the ancient Egyptian. A poor peasant going down into the valley with his donkeys laden with the produce of his oasis is robbed of his load by an unscrupulous underofficial. He hastens to ask for justice from the steward under whom the unjust official is serving. The steward is so delighted with the eloquence of the peasant that he reports the proceedings to the Pharaoh. The Pharaoh is also greatly charmed and has the trial prolonged to the extent that the peasant makes nine separate grandiloquent appeals to the steward, each more magnificent than the preceding. These are written down for the pleasure of the Pharaoh. The peasant in his appeals dramatically depicts one quality or function of the just official after another. Parts of some of the more important pleas follow.

First appeal:

Thou art the father of the orphan, the husband of the widow, the brother of the forsaken, the kilt [or apron] of the motherless. Let me put thy name in this land above every good law, O leader free from avarice, great man free from littleness, who destroys falsehood and brings about truth. Respond to the cry which my mouth utters; when I speak, hear thou. Do justice, thou who art praised, whom the praised praise. . . .

Third appeal:

O grand steward, my lord! Thou art the lord of the sky together with thy court. All the affairs of men [are thine]. Thou art like the flood [inundation], thou art the Nile that makes green the fields and furnishes [or nourishes] the waste lands. Ward off the robber, protect the wretched, become not a torrent against him who pleads. Take heed, [for] eternity draws near. Prefer acting as it is [proverbially] said, "It is the breath of the nostrils to do justice." Execute punishment on him to whom punishment is due, and none shall be like thy correctness. Do the balances err? Does the scale-beam swerve to one side? . . . Speak not falsehood, [for] thou art great [and therefore responsible]. Be not light, [for] thou art weighty. Speak not falsehood, for thou art the balances. Swerve not, for thou art a correct sum. Lo, thou art at one with the balances. If they tip [falsely] thou tippest [falsely]. . . . Thy tongue is the index [of the balances], thy heart is the weight, thy two lips are the beam thereof.

Fifth appeal:

Thou art appointed to hear causes, to judge two litigants, to ward off the robbers. But thou makest common cause with the thief. Men love thee, although thou art a transgressor. Thou art set for a dam for the afflicted, to save him from drowning.

Sixth appeal:

O grand steward, my lord! Destroy injustice, bring about justice. Bring about every good thing, destroy every [evil thing]; like the coming of satiety, that it may end hunger; [or] clothing, that it may end nakedness; like the peaceful sky after the violent tempest, that it may warm those who suffer cold; like fire that cooks what is raw; like water that quenches thirst.

Thou art instructed, thou art educated, thou art taught, but not for robbery. Thou art accustomed to do like all men, and thy kin are [likewise] ensnared. [Thou] the rectitude of all men are the [chief] transgressor of the whole land. The gardener of evil waters his domain with iniquity that his domain may bring forth falsehood, in order to flood the estate with wickedness.

Seventh appeal:

Thou rudder of heaven, thou prop of earth, thou measuring tape. . . . Rudder, fall not. Prop, fall not. Measuring tape, make no error.

There is none silent whom thou wouldst not have roused to speech. There is none sleeping whom thou wouldst not have awakened. There is none unskilled whom thou wouldst not have made efficient. There is no closed mouth which thou wouldst not have opened. There is none ignorant whom thou wouldst not have made wise. There is none foolish whom thou wouldst not have taught.

Eighth appeal:

Thy heart is avaricious; it becomes thee not. Thou robbest; it profiteth thee not. . . . The officials who were installed to ward off iniquity are a refuge for the unbridled [even] the officials who are installed to ward off falsehood. . . . Do justice for the sake of the lord of justice . . . thou [who art] Pen and Roll and Writing Palette, [even] Thoth [God of writing and legal procedure] who art far from doing evil. . . . For justice is for eternity. It descends with him that doeth it into the grave. . . . His name is not effaced on earth; he is remembered because of good. . . .

Ninth appeal:

He who consorteth with deceit shall have not children and no heirs on earth. As for him who sails with it [deceit], he shall not reach the land, and his vessel shall not moor at her haven. . . . There is no yesterday for the indifferent. There is no friend for him who is deaf to justice.

There is no glad day for the avaricious. . . . Lo, I make my plea because of thee to Anubis [god of the dead].¹

This interesting old tale implies that the level of administrative and judicial idealism current at the time was high. The actual achievement, of course, as also implied in the tale, probably fell short of this. But it is remarkable that such a high standard—one that matches any modern standard of justice—should have prevailed at this early age and that it should have enjoyed such great popularity among the official class. Breasted summarizes the matter well when he states:

The high ideal of justice to the poor and oppressed set forth in this tale is but a breath of that wholesome moral atmosphere which pervades the social thinking of the official class. It is remarkable, indeed, to find these aristocrats of the Pharaoh's court four thousand years ago sufficiently concerned for the welfare of the lower classes to have given themselves the trouble to issue what are very evidently propaganda for a regime of justice and kindness toward the poor. They were pamphleteers in a crusade for social justice.²

7. The Installation of the Vizier.—In the tomb of Rekhmire, vizier under Thutmosis III (1501–1447 B.C.) of the Eighteenth Dynasty (1580–1322), and in two other later tombs were found copies of a now famous ancient document which has come to be known as *The Installation of the Vizier*.³ It was evidently the traditional address or charge orally delivered to the vizier by the king whenever a new incumbent was inducted into the vizierial office. This address shows that the spirit of justice, character, and high idealism was not only to be found in the wisdom literature of the time, notably the *Teachings* of Amen-em-apt, but also, as in *The Tale of the Eloquent Peasant*, had pervaded the whole governmental structure, reaching to the throne itself. Some of

¹ This translation from BREASTED, *op. cit.*, pp. 216–226; see also his *Dawn of Conscience*, pp. 182–193. For other translations and comment see PEET, *Cambridge Ancient History*, Vol. I, pp. 349–350; BAIKIE, *op. cit.*, Vol. I, pp. 367–369; ERMAN, *op. cit.*, pp. 116–131, London, 1927 (complete trans.); A. H. GARDINER, "The Eloquent Peasant," *Journal of Egyptian Archaeology*, Vol. IX, pp. 5–25, 1923.

² *Development of Religion and Thought in Ancient Egypt*, p. 226.

³ The period from the Twelfth to the Eighteenth dynasties is that of the Hyksos domination of Egypt and is barren of literature.

the passages pointedly reflecting the attitude toward social justice and administrative excellence and fairness are given; the ceremonial and ritualistic element is excluded.

Regulation laid upon the Vizier X [candidate's name]. Life! Prosperity! Health!

Look to the office of the vizier; be watchful over all that is done therein. Behold it is the established support of the whole land.

. . . Behold it [the vizierate] is not to show respect-of-persons to princes and councillors; it is not to make for himself slaves of any people.

Behold, when a petitioner comes from Upper or Lower Egypt [even the whole land . . . see thou to it that everything is done in accordance with law, that everything is done according to the custom thereof, [giving] to [every man] his right. Behold a prince is in a conspicuous place, water and wind report concerning all that he does. For behold that which is done by him never remains unknown.

When he takes up a matter [for a petitioner] according to his case, he [the vizier] shall not proceed by the statement of a departmental officer. But it [the matter under consideration] shall be known by the statement of one designated by him [the vizier], saying it himself in the presence of a departmental officer with the words: "It is not that I raise my voice; [but] I send the petitioner [according to] his [case to another court] or prince." Then that which has been done by him has not been misunderstood.

Behold, it is a saying which was in the vizierial installation of Memphis in the utterance of the king in urging the vizier to moderation. . . . "Beware of that which is said of the vizier Kheti. It is said that he discriminated against some of the people of his own kin [in favour of] strangers, for fear lest it should be said of him that he [favoured] his kin dishonestly. When one of them appealed against the judgment which he thought to make him, he persisted in his discrimination." Now that is more than justice [Maat].

Forget not to judge justice. It is an abomination of the god to show partiality. This is the teaching. Therefore do thou accordingly. Look upon him who is known to thee like him who is unknown to thee; and him who is near the king like him who is far from [his house]. Behold, a prince who does this, he shall endure here in this place.

Be not wroth against a man wrongfully, [but] be thou wroth at that at which one should be wroth.

Cause thyself to be feared. Let men be afraid of thee. A prince is a prince of whom one is afraid. Behold, the dread of a prince is that he does justice. . . . Behold, the [fear] of a prince [deters] the liar, when he

[the prince] proceeds according to the dread of him. Behold, this shalt thou attain by administering this office, doing justice.

. . . Make no [delay] at all in justice, the law of which thou knowest. . . .

Behold the regulation that is laid upon thee!¹

Here we find emphasized the fact that justice shall be administered according to the law, in an absolutely impartial manner, without showing any distinctions or preferences whatsoever. Public respect and even fear must be maintained, and delays in procedure avoided.

At about the same time a feudal baron, by the name of Ameni, who is also head of the local government, has the following revealing inscription on the doorpost of his tomb chapel:

There was no citizen's daughter whom I misused, there was no widow whom I afflicted, there was no peasant whom I evicted, there was no herdman whom I expelled, there was no overseer of five whose people I took away for [unpaid] taxes. There was none wretched in my community, there was none hungry in my time. When years of famine came, I ploughed all the fields of the Oryx barony [his estate] as far as its southern and its northern boundary, preserving its people alive, furnishing its food so that there was none hungry therein. I gave to the widow as to her who had a husband. I did not exalt the great [man] above the small [man] in anything that I gave. Then came great Nile's [inundations], rich in grain and all things, but I did not collect the arrears of the field.²

8. The Negative Confessions.—In any such study two sets of moral and social declarations, known as the *Negative Confessions* must be included. These two lists had accumulated since the Eleventh or Twelfth dynasties and finally appeared in collected form in Book CXXV of the texts of the *Book of the Dead* of the Eighteenth Dynasty.³ They were part of the ritual bound up with the Egyptian conception of the afterlife and were declarations or protestations of innocence which the deceased was supposed to make when judged by Osiris and his forty-two associates in the Hall of the Two Truths. Incidentally, the names of the Forty-two Assessors were the titles of the gods of

¹ Translation from BREASTED, *Development of Religion and Thought in Ancient Egypt*, pp. 240-243; see also his *Dawn of Conscience*, pp. 208-212.

² Quoted in BREASTED, *The Dawn of Conscience*, pp. 213-14.

³ Especially important copies are the Papyrus of Nebseni (British Museum No. 9900) and the Louvre Papyri Nos. 3073, 3074.

the forty-two nomes of Egypt. Actually, like many other elements incorporated in religious rites, they were an accumulation of principles of behavior reflecting social essentials, selected over many centuries and, as a result of emphasis by the priests, were firmly inculcated in the minds of the people. The scribes of the Eighteenth Dynasty considered these declarations or confessions one of the best and most important parts of the *Book of the Dead*.

The one list consists of thirty-seven and the other of forty-two declarations, fully two-thirds of which have pointed significance for the student of social thought. These two sets are known respectively as A and B. The older and shorter consists of denials of certain definite sins; the later and longer shows a marked preference for denials of evil qualities rather than evil deeds. It would be a mistake to regard these lists as giving a complete code of Egyptian religious and social ethics and a still greater mistake to assume that a development is demonstrated in comparing the older with the newer code. They simply show that certain actions mentioned in them were regarded as sinful in this brilliant Middle Kingdom period.

The outstanding deduction that can be made, as Sayce states,¹ is that acknowledgment was made that orthodoxy in belief and practice was not sufficient to ensure future salvation; it was necessary to avoid antisocial acts and to be actively benevolent as well. "It was not so much what a man believed as what he had done, that enabled him to pass the awful tribunal of heaven and be admitted to everlasting bliss." Happiness in the future life is dependent on social morality in this one. This is consequently one of the most noteworthy relics of ancient literature.²

List A:³

1. I have not done evil to mankind.
2. I have not oppressed the members of my family.

¹ SAYCE, *op. cit.*, pp. 173-174, Edinburgh, 1902.

² Cf. BUDGE, *The Book of the Dead*, pp. 188-196, London, 1898; BREASTED, *Development of Religion and Thought in Ancient Egypt*, pp. 299-307; BREASTED, *The Dawn of Conscience*, pp. 250-271; W. M. F. PETRIE, *Social Life in Ancient Egypt*, pp. 65-69, Boston, 1923; PETRIE, *Religion and Conscience in Ancient Egypt*, pp. 111-163, London, 1898; BUDGE, *Amen-em-apt*, pp. 29-45, London, 1924.

³ Both translations are from BUDGE, *The Book of the Dead*.

3. I have not wrought evil in the place of right and truth.
4. I have had no knowledge of worthless men.
5. I have not made to be the first consideration of each day that excessive labor should be performed for me.
6. I have not brought forth my name for exaltation to honors.
7. I have not ill-treated servants.
8. I have not thought scorn of God.
9. I have not defrauded the oppressed one of his property.
10. I have not done that which is abominable unto the gods.
11. I have not caused harm to be done to the servant by his chief.
12. I have not caused illness.
13. I have not caused hunger.
14. I have not made to weep.
15. I have done no murder.
16. I have not given the order for murder to be done for me.
17. I have not inflicted pain upon mankind.
18. I have not defrauded the temples of their oblations.
19. I have not purloined the cakes of the gods.
20. I have not carried off the cakes offered to the Khus [the glorious dead].
21. I have not committed fornication.
22. I have not polluted myself in the holy places of the god of my city.
23. I have not diminished the bushel.
24. I have not filched away the land.
25. I have not encroached upon the fields of others.
26. I have not added to the weights of the scales [to cheat the sellers].
27. I have not misread the pointer of the scales [to cheat the buyer].
28. I have not carried away the milk from the mouths of children.
29. I have not driven away the children which were upon their pastures.
30. I have not snared the feathered fowl of the preserves of the gods.
31. I have not caught fish.
32. I have not turned back the water at the time [when it should flow].
33. I have not cut a cutting in a canal of running water.
34. I have not extinguished a fire when it should burn.
35. I have not violated the times [of offering] the chosen meat-offerings.
36. I have not driven off the cattle from the property of the gods.
37. I have not repulsed God in his manifestations.

This list closes with the cry: "I am pure! I am pure! I am pure!"

Petrie¹ arranges these in groups of five, being of the opinion that the ancient Egyptians like other Oriental peoples, as well as many primitives, arranged their important rules and confessions in this manner so that they could be memorized and recited on the fingers. Thus most of the decalogues are really two pentads.

List B:

1. I have not done iniquity.
2. I have not robbed with violence.
3. I have not done violence [to any man].
4. I have not committed theft.
5. I have not slain man or woman.
6. I have not made light the bushel.
7. I have not acted deceitfully.
8. I have not purloined the things which belong to God.
9. I have not uttered falsehood.
10. I have not carried away food.
11. I have not uttered evil words.
12. I have attacked no man.
13. I have not killed the beasts which are the property of God.
14. I have not acted deceitfully.
15. I have not laid waste the lands which have been ploughed.
16. I have never pried into matters [to make mischief].
17. I have not set my mouth in motion [against any man].
18. I have not given way to wrath concerning myself without a cause.
19. I have not defiled the wife of a man.
20. I have not committed any sin against purity.
21. I have not struck fear [into any man].
22. I have not encroached upon [sacred times and seasons].
23. I have not been a man of anger.
24. I have not made myself deaf to the words of right and truth.
25. I have not stirred up strife.
26. I have made no man to weep.
27. I have not committed acts of impurity, neither have I lain with men.
28. I have not eaten my heart.
29. I have abused no man.
30. I have not acted with violence.
31. I have not judged hastily.
32. I have not taken vengeance upon the God.
33. I have not multiplied my speech overmuch.

¹ *Social Life in Ancient Egypt*, pp. 65-69.

34. I have not worked wickedness.
35. I have not uttered curses [on the king].
36. I have not fouled water.
37. I have not made haughty my voice.
38. I have not cursed the god.
39. I have not behaved with insolence.
40. I have not sought for distinctions.
41. I have not increased my wealth except with such things as are justly mine own possessions.
42. I have not thought scorn of the god who is in my city.

According to these widely used and exceedingly important lists in the life of the Egyptian for centuries on end, a large number of specific social duties were imperative. Modesty and humility was recommended (B, 40). Conduct should be judicious and discreet (A, 16; B, 16, 31). Frivolous, evil and foolish speech and gossip should be avoided (B, 9, 11, 17, 33, 37), as should bad company (A, 4). No less than twenty-three of the confessions deal with actual antisocial acts in personal relations (A, 1, 5, 12, 13, 14, 15, 16, 17, 18; B, 1, 2, 3, 5, 7, 12, 14, 21, 26, 29, 30, 34, 39). Among the acts specifically forbidden are causing excessive labor to be performed; causing illness, hunger, weeping, pain, fear; or committing murder or even having it committed; committing fornication, robbery, violence, or attack; abuse; or behaving with insolence. Character, purity and truth are set up as ideals (B, 18, 20, 23, 24, 27). A large number of duties regarding property are included (A, 23, 24, 25, 26, 27, 32, 33; B, 4, 6, 10, 15, 41) involving the prohibition of short-weighting and tampering with the scales; moving boundaries or markers; tampering with the irrigation ditches and stealing water; theft; and destruction of cultivated fields. Family duties are mentioned in only one confession (A, 2), and sex relations in two (B, 19, 27). Five confessions involve the treatment of inferiors (A, 7, 9, 11, 28, 29), prohibiting ill-treatment of servants, defrauding the poor of their property, depriving children of their mothers, and abusing children in other respects.

Man's duty toward his fellows is put on a higher footing than his duty toward the gods. It is not until the dead man before Osiris has proved that he has acted with honesty, justice, consideration and mercy toward his fellows that he is allowed the delights of the "fields of Alu" (paradise). Here we have

reflected not only the behavior actually outlawed but also the social philosophy of the Egyptians.

9. Early Egyptian Law.—The law of a people is always a type of literature that reveals many important aspects of their social thinking and of their social institutions. It is generally known that other Near Eastern peoples had substantial sets of laws in the period preceding the Greek and Roman ascendancy. While the number of actually existing legal documents and fragments of laws surviving from pre-Ptolemaic Egypt is so small as to make it impossible systematically to survey its jurisprudence, nevertheless it is clear that from early times a set of developed legal institutions existed.¹ About a dozen legal documents are known to have existed in the first great brilliant period of Egypt, the Old Kingdom (c. 3400–2475 B.C.). The statements available point to a legal system, the essentials of which were in written form. There are extant several legal documents from the second brilliant period, the Middle Kingdom (c. 2160–1788 B.C.), but the material is insufficient for judgment. The New Kingdom (1580–712 B.C.) also produced legislation, but none is available.

While no actual documents are available, history records the widespread use of law. An inscription in the tomb of Rekhmire states that the vizier sat in the court to do justice with the forty rolls, or four decalogues, containing the law, open before him.² Declareiul also refers to a code in eight volumes which was placed before the Tribunal of Truth.³ This probably consisted largely of a body of moral and religious customs. The numerous lists of precepts were also closely related to the law in both content and importance.⁴ In fact, one gathers that the law sometimes was little more than hard-and-fast precepts which were all the more valued because they left no room for speculation. In the main, it would seem that the codes were summaries, more or less complete, of the reigning prince's edicts, and the clear, curt directions which these administrative officers gave. These, of course, were greatly influenced by both custom and precept. The spirit dominating the administration of the law can also be sensed in *The Installation of the Vizier* discussed above.

¹ E. SEIDL, *Encyclopaedia of the Social Sciences*, Vol. IX, p. 209.

² BREASTED, *Cambridge Ancient History*, Vol. II, pp. 47, 210.

³ J. DECLAREIUL, *Rome the Lawgiver*, pp. 8–9, New York, 1927.

⁴ E. REVILLIOUT, *Cours de droit égyptien*, pp. 47–50, Paris, 1896.

There do exist from this early period contracts of sale, deeds of gift, wills and judgments, quite similar to such documents in later periods. They, however, add little to what has been presented regarding the thought or institutions in this or the following chapter. Nothing specific in the way of codes is available until Greek times. Hence, desirable as it may be, no Egyptian law can be included in this study.

CHAPTER III

THE SOCIAL WISDOM IN THE ANCIENT EGYPTIAN PRECEPTS¹

I. GENERAL NATURE AND CHARACTERISTICS

The most important single type or class of early Egyptian literature consists of the so-called admonitions, precepts, or teachings. They are not only the most extensive but, because of their peculiar nature, most revealing of the life and thought and attitudes of the population elements from which they emanated. They reflect the profound respect that the upper-class Egyptian had for experience and wisdom and the enthusiastic reverence that he had for learning. He was well aware of the superiority that the learned man possessed over the unlearned and, consequently, its vast importance for the ruling class. As one of these ancient worthies states, the ignorant man "is like a heavily laden donkey, he is driven by the scribe." Therefore the boys of the upper class were sent to the "instruction house" or school where they were made letter-perfect in learning these lists of instructions. They had not only to memorize them but also to inscribe them as written exercises on limestone tablets, some of which have survived to this day.

A series of ten books or lists of precepts are available covering Egyptian life more or less sporadically from the Third Dynasty (3190-3100 B.C.) to Ptolemaic times.² The first of these in-

¹ Most of this chapter was previously published in *Social Forces*, Vol. XII, No. 2, pp. 174-186, December, 1933.

² The Ptolemaic dynasty began technically in 306 B.C. Translations of one or several of these lists in English, German, or French by such eminent scholars as Breasted, Petrie, Erman, Lauth, Brugsch-Bey, Maspero, Chabas, and Amelineux are available. Sir E. A. Wallis Budge has, however, rendered an excellent service by publishing his own superior translations in English of nine of these lists in his *The Teaching of Amen-em-apt*, London, 1924. Because of the quality and uniformity of the translations, and the convenience of having them together for purposes of comparison, his lists will be used throughout this study. For the translation of the Ptolemaic

chronological order is the Instruction of Kagemni, a list generally attributed to a vizier during the reign of King Huni at the end of the Third Dynasty.¹ These precepts, of which only five are available in the existing papyri, Kagemni ostensibly wrote for his sons. An interesting passage at the end states, "He said to them: 'Whatsoever is in writing on this roll pay heed unto it as if I myself were repeating it to you.' . . . And the children laid themselves down flat upon their bellies, and they recited these sayings according to what was written." The next oldest book of social precepts is that of Ptah-hotep,² either the governor of the town of Memphis and high confidential adviser or vizier of King Assa or Dedkere Isesi (c. 2883-2855 B.C.) of the Fifth Dynasty. While originally written for his son, it evidently was used as a textbook in the schools for centuries afterward. It is the world's earliest complete book in existence and amounts in all to forty-six paragraphs of varying length, containing a large number of highly interesting and significant admonitions.

The teachings next in chronological order are those of Tuaeuf or Dawef, who wrote them for his son Pepi, most likely in the Sixth Dynasty (2853-2631 B.C.).³ The first part of this is a eulogy of the profession of scribe, but the second part contains a number of precepts of consequence. This is followed by King Khati's or Ekhtai's instructions for his son Meri-ka-Ra or Merikere of the ninth or tenth dynasty (2500-2300 B.C.) amounting to twenty-nine sizable and rather important paragraphs. Next in order are the hints for ruling as a king of Amen-em-hat I (2212-2182 B.C.), the first king of the Twelfth Dynasty, for his son who became Usertsen or Senusret I.⁴ While there is much wily political philosophy in this list, it can be practically ignored as far as the objectives of this study are concerned. It is followed by twenty statements regarding the philosophy of social

Precepts, see ISAAC MYER, *Oldest Books in the World*, pp. 451-453, New York, 1900.

¹ Also known in the translations as Kegemni, Kaqemna, or Kakemna.

² Or Ptah-hotpu, Ptah-hetep, or Petah-hotep, depending upon the translator. The original texts of both the *Precepts* of Kagemni and Ptah-hotep are the Prisse Papyri in the Bibliothèque Nationale, Paris, and the Carnarvon Tablets in the British Museum.

³ In British Museum papyri Nos. 10,182 and 10,222.

⁴ Also from British Museum (No. 10,182).

conduct by Antef, a high official of King Usertsen I (2192-2147 B.C.).¹ After this comes the *Teaching* of Sehetepabra, a prince and seal bearer of Amenemhat III (2013-2004 B.C.), also of the Twelfth Dynasty.

The most extensive and comprehensive of all the collections of aphorisms, precepts, and admonitions is the *Teaching* of Amen-em-apt, a minister of agriculture, or grain scribe, of the Eighteenth Dynasty (c. 1500 B.C.) amounting to some thirty chapters, 114 sections, and 551 lines.² It is the one book of teachings written for the benefit of all and not primarily for a given scribe's or vizier's sons or for the official class. This is followed in the Nineteenth Dynasty (c. 1350 B.C.) by the teachings of the scribe Ani (or Any) for his son, a notable collection of sixty-eight precepts or paragraphs.³ More than a thousand years later we have the Ptolemaic *Precepts* of the period of Greek supremacy in Egypt with twenty-five admonitions. These are apparently a set of survivals from the earlier period, since they show no new ideas whatsoever. Incidentally they do not give evidence of any Greek influence, bearing out the occasional contention that the Greeks only superficially affected basic Egyptian culture.

Naturally these lists are of unequal merit from our point of view. Of the eleven lists those richest in social thought are the teachings of Kagemni, Ptah-hotep, Khati, Amen-em-apt, Ani, the *Negative Confessions*, and the Ptolemaic *Precepts*. Of the authors of these various lists, two, Khati and Amen-em-hat, were kings, and the remainder were officials or professional scribes or sages.

No claim is here made that these precepts by themselves give an adequate or a comprehensive picture of ancient Egyptian social thought. They are faulty reflectors in several respects. (1) They have the weaknesses that inhere in such a medium of expression; they are brief, concrete, and specific statements of necessary or desirable behavior in different social situations. Only occasionally does one run across that philosophizing that is most revealing of the general social principles to which the

¹ In the Prisse Papyrus and also in the form of a monument inscription (British Museum, No. 197).

² British Museum Papyrus No. 10,474.

³ Papyrus of Bulak (No. 4 in the Egyptian Museum, Cairo). Also No. 10,470 in the British Museum.

thinkers adhered. (2) As teachings they have a definite objective which is not that of impartially and objectively examining the nature of social structure or the principles of social order but of giving rules for practical everyday living. As such they are a curious mixture of honest and sincere admonition to just and honorable social behavior, and crafty, opportunistic hints as to how to "get next" and "get on." (3) Being precepts they devote very little attention to the highly important impersonal relations in secondary groups or to the broader sociological implications of the complicated civilization of the Nile Valley but deal mainly with behavior in the primary group. The types of literature mentioned above reflect in part these other aspects of early Egyptian social thought. (4) These precepts come from the upper classes, even the ruling classes, and represent the social attitudes of these classes, and not that of the culture as a whole. Of course, only the upper classes were literate and left records of their thought.

But these lists are relatively abundant. They contain a wealth of information that cannot be duplicated in any other ancient writings to which we now have access, and even though this information is, at least in its origin, more or less partial and biased, it does offer much that is acceptable as substantial and reliable evidence of the social thought of the people. In all truth it must be said that in the village communities of ancient Egypt the upper classes had of necessity to live close to all the other classes. If the society as a whole was to endure, their social and political philosophy had to be based on a fairly comprehensive view of social life as a whole. Hence their thinking does not show so much class bias as one might expect. They sought to help men to lead safe and reputable lives in a given social setting. Their precepts are specifically means of maintaining social discipline and order in human relationships. They are based usually on centuries of wise observation and actual experience in social life. Moreover, these precepts are the results of extensive selective processes occurring over long periods of time and thus are of tried and proved worth for their era. They are the conventional daily social philosophy of the wisest among the official body.

Inevitably the precepts reflect not only standards of individual behavior and the requirements in the way of individual discipline

but also ideals of general social order and conceptions of social values. Indirectly they point to the various institutional forms and requirements of the times and thus reveal the nature of the social organization. Finally, most of these lists were used as textbooks. Consequently they had a very considerable influence on the behavior of successive generations and were important agencies in the continuity of the social philosophy of the classes affected by them. They are a very important link in the chain of learning of the ancient world and cannot be ignored.

In the sociological analysis of these lists of precepts that follows we are confining ourselves to those statements dealing with or reflecting the nature of social relationships or social institutions, the requirements for social order, or the principles of social policy; those recommending or advising against various types of social behavior or duties on the grounds of individual or group expediency; or those delineating individual qualities of social significance.

These lists of precepts, like most other collections of proverbs, maxims, teachings, or admonitions, show no organization of ideas and no logical arrangement. They are, so it seems to the modern Western mind at least, jumbled together in the helter-skelter manner in which they came to their inventors or collectors. They do, however, if examined critically, fall into groups dealing with preponderating types of suggested or required social behavior. The groupings that follow are made from the point of view of the sociological significance of the ideas involved, and only the present writer is responsible for them.

Of approximately 400 precepts and maxims in the lists indicated above about 225 have been found to be quite pertinent to our study. The remaining 175 deal largely with duties to the gods or other religious obligations or ceremonial requirements or are of such a nature that they have no clear sociological significance. Of the various precepts examined, by no means all can be quoted, nor can any but the more significant or apt parts of given precepts be given. Lack of space does not permit a comprehensive or exhaustive presentation. A judicious sampling will, however, convey a fairly clear idea of the nature of this block of early thought.

Part of the precepts are intended for those who are or will be rulers and deal pointedly with conduct desirable or essential

among rulers; the greater proportion, however, are appropriate for people generally. Certain precepts designed especially for rulers and future rulers will be dealt with first.¹

II. THE PRECEPTS CLASSIFIED

The old vizier Ptah-hotep of the Fifth Dynasty devotes six rather lengthy paragraphs of his list of forty-six to the exposition of a set of very unideal but *very shrewd observations regarding the sort of behavior necessary to ingratiate oneself with superiors, how to make a favorable impression, how to flatter superiors, and how to gain the good will and approval of the common people*. "If thou art one of those who are sitting at table with a man who is greater than thyself, accept what he gives thee, what is set before thy nose. . . . Keep thy face turned downwards until he addresses thee, and speak only when he speaks to thee. Laugh when he laughs. That will be exceedingly pleasing to his mind . . . " (VII).² "If thou art in the antechamber of a nobleman . . . abase thyself the first day. Press not forward lest thy being turned back should take place. Keep a keen watch on the confidential servant who announces thee . . . " (XIV). "If thou art with common people make thyself like the peasant folk by concealing thy mind. The man who conceals his mind enjoys a good reputation . . . " (XIV). "If thou art one to whom petitions are made, be courteous, and listen to the petition of the petitioner. Stop not his words, until he has poured out all that is in his heart and has said what he came to

¹ While some of the precepts dealt with in this study are quoted and commented upon in some of the histories of ancient Egypt, there has been very little systematic comparative treatment. Some reference is made in J. H. BREASTED, *Development of Religion and Thought in Ancient Egypt*, New York, 1912, and *The Dawn of Conscience*, New York, 1934. In the two works by Budge and Myer, referred to above, some general comment is made in connection with the presentation of the texts. The only comprehensive effort at any kind of analysis known to the writer is in W. M. F. PETRIE, *Religion and Conscience in Ancient Egypt*, pp. 110-163, London, 1898. This is exclusively from the moral point of view and is not based on all the lists now available. This present study is the first sociological analysis and the first to include all of the lists now available. See also A. ERMAN, *The Literature of the Ancient Egyptians*, pp. 54-85, 234-242, London, 1927.

² The numerals, Roman or Arabic, in parentheses, throughout this paper, refer to the numbers given to the precepts or paragraphs of precepts, depending on the practice for the given text, in the standard translations.

say. A man with a petition to make loves the official who will agree to what he says and will let him talk out his grievance fully . . . " (XVII). "If thou seekest for friendship with a man, ask not for it, but go to his house and pay a visit with him alone, so that he may not be able to make his attitude to thee unpleasant. Talk wisely to him after a certain period. Find out what his mind is by conversing with him. If there comes up as a subject something that he has seen thee do, or if he does something that makes thee ashamed, hold thy peace or show thyself friendly to him; browbeat him not. Prepare an answer for him with words that will tell, answer not in a way that will irritate him; do not leave him. . . . His moment must not come . . . " (XXXIII). " . . . Control thy mouth. . . . Make thyself to be wholly in accord with thy lord. . . . Concentrate thy mind at the time when thou art speaking and thou shalt make remarkable utterances and the princes who hear them shall say: 'Good, good are the things that come forth from his mouth'" (Conclusion, VIII).¹

Amen-em-apt has eleven precepts dealing with *behavior to superiors*. The intention throughout seems to be, first, peaceful relations with the superior; second, the good will and admiration of the superior; and, third, the possible good that may come to the actor at the hands of the superior. These admonitions are concerned with instructions respecting the proper way of greeting and conversing with the chief, the assumption of an attitude of humility in the presence of the chief, refraining from gluttony or even from eating in his presence, refusing to accept bribes from those in authority, avoiding commands to superiors, and refraining from repeating conversations with superiors or from cursing them (XLII, L, LI-LIII, LXXIX, XCIV, XCVIII, CII, CIV, CVIII). The keen knowledge of human nature and the technique of the fine art of smoothly flattering people and cultivating their good will and at the same time taking care of "number one" are evidenced in the following passages. "Keep well thy tongue in making an answer to him that is thy chief, at the same time

¹ Since the *Negative Confessions* were largely accumulations of social experience, widely prized and insistently passed on from generation to generation, they might well be included here. They have been treated in the preceding chapter but summarized under headings used in this chapter for those who care to examine them with the precepts.

guarding thyself against reviling him. Never permit his speech to fall on thee like a lasso so that thou must uncoil it by means of thy answer. Put answers to him answering like a subordinate in thy agitation. At the same time taking good heed not to oppose him" (XLII).¹ "Be thou a creature of nought in the presence of thy chief. Thou shalt acclaim him humbly in thy speech. Thy adulatory remarks, they shall meet and turn aside his cursings. Thy homage . . . shall disarm his violence" (L). "If thou seest a man who is greater than thyself . . . follow after him and greet him with words of respect" (CIV).

Ani states: "Sit not whilst another man stands, if he be older than thyself, or if he has attained to a higher grade in his profession than thyself" (XXVIII). "Answer not a man in authority over thee when he is wroth. . . . Speak thou that which is sweet when he speaks words that are bitter, and pacify his heart" (LIX). "Keep on friendly terms with the administrative officer of thy district, and give him no opportunity of bringing a charge against thee . . . do not set aside his request. Say to him words of approval . . ." (LXIII). In this same connection it is stated in the Ptolemaic *Precepts*: "Do not establish thy tomb above those who command thee and of him who giveth thee orders" (V). "Do not make sport of an old man, thy superior" (XXc).

Old Kagemni offers as a general policy *the desirability of conforming to the action of the other person as a means of maintaining his good favor*. "If thou art seated at meat with a greedy man eat thou when he has finished his meal; and if thou art seated at meat with a winebibber accept thou a drink whenever it pleases him to offer thee one. Reject not the pieces of flesh. . . . Take what he offers thee, and refuse it not; remember acceptance conduces to gentleness on his part" (III).

Ptah-hotep gives *special advice* of a somewhat Machiavellian nature to those who will have to assume leadership. "If thou art in the position of a leader, press forward thy plans by thy commands; do what thou hast decided upon. But remember the days that are to follow. If there be no word on thy behalf among those who are praised, calamity will overwhelm thee and misery will overtake thee" (XVI). Ani believes that

¹ E. A. W. BUDGE, *The Teaching of Amen-em-apt*, Martin Hopkinson, Ltd., London, 1924.

there is little difference between the leader and the rest of the flock (LII). Ptah-hotep and Amen-em-apt both admonish wise behavior in the Council, Amen-em-apt's statements possibly having been suggested by those of Ptah-hotep. Ptah-hotep states: "If thou art in the position of a man of high rank who sits in the council of his lord, devote thy heart entirely to what is good . . . hold thy peace. . . . Speak only when thou knowest a matter and canst explain it . . ." (XXIV). Amen-em-apt similarly says: "Be not continually rising up and sitting down whilst thou art making thy answer; thy testimonies must support themselves. Make no altercation with the supporters of a lord. . . . Speak the truth in the presence of the President. . . . Watch carefully, so that thou mayest come back on a second occasion" (LXXVII). Amen-em-apt also emphasizes the importance as an official of not tampering with the Courts of Law (LXXVIII) and of knowing how to handle men (XCIII). King Khati advises his son to have young men be continually trained as soldiers and to keep his armies full, because if his borders are safe the land will flourish (XIV).

Kagemni stresses the fact that one should not hide one's light under a bushel but that the display of the light should be discreet and circumspect. "Make thy name to come forth. Being modest in thy speech, thou shalt be proclaimed," (IV). Amen-em-apt believes that a good name, the good wishes of one's fellowmen, and a kindly disposition are better than great riches (LXII).

Modesty and humility are quite generally advocated. Kagemni states in his very first teaching, "The timid man is strong, and he who is just in word and deed is praised. The hall is opened to the humble man, and a wide room is given to him that is gentle in speech; but sharp knives are against him that would force a way . . ." (I). Ptah-hotep admonishes his son not to be conceited or too sure of himself; excellent abilities are found where least expected. "Magnify not thy heart because of thy knowledge, and fill not thy heart with the thought about it because thou hast knowledge. Hold converse with the ignorant man as well as with the learned. No limit has been set to a handicraft, and no craftsman is equipped with all its excellences. Fine speech is hidden deeper than mother-of-emerald stone, and yet it is to be found among the women who

grind flour at the mill" (I). "Be not haughty in thy heart, lest it be humbled" (XXV). He also admonishes people who have achieved fame and success after having been poor and humble not to forget their former station (XXX); he advises all people to be properly reverent to their superiors and those upon whom they are dependent (XXXI). Tuauf advocates modesty in speech: "Speak not words of pride and arrogance . . ." (XXII). Amen-em-apt suggests modesty but not reticence: "Never run with swift steps to attain that which will be advantageous to thee; on the other hand never create the circumstances that will destroy it" (XCII).

Amen-em-apt devotes several precepts to a *discussion of chatterers and hotheads*, admonishing people to avoid them as far as possible. The underlying implication is that they are a source of harmful suggestion and also that association with them creates a bad reputation. "The fiery, hot-headed man. . . . He shrieks imprecations, his voice soars upwards into the heights of heaven, the god Aāhu [the Moon god] stands still in his course and holds him to be an abomination" (VI). "The noisy, hot-headed man when his rage is greatest, turn thyself aside from before him . . ." (VIII). "The talk and action of the noisy, hot-headed man all comes to nought in the end" (X). "Make not to be a friend of thine the hasty, hot-headed man, even though thou hast to go to his house frequently to have speech with him" (XLI). "Make no undertaking in company with the noisy, hot-headed man . . ." (LV).

Temperance and moderation in eating and drinking are presented as eminently desirable forms of behavior. Kagemni, in an almost ascetic attitude, states, "If thou art seated at meat with many people abstain from the food which thou lovest. It is only a minute's restraint of the appetite, and greediness is a disgrace and tends to gluttony. . . . He who is intent on satisfying the lust of the belly is a shameful person" (II). Tuauf advises against overeating (XXV). Amen-em-apt implores, "Make no undue haste to sing the praises of the wine-cup" (CXI). Ani stresses the unwise and even dangerous things that one may do while under the influence of liquor. "Under-take nothing as the result of having drunk beer, for if thou dost, words which can have a second meaning may come forth from thy mouth without thy knowing it. When thou fallest down

and breakest thy bones there will be no one there to help thee. Thy boon companions will stand up and say, 'Away with this drunken beast!' When people come to have speech with thee they will find thee lying prostrate on the ground, and thou wilt be as helpless as a little child" (XIII).

A considerable number of precepts fall under the heading of *requirements for judicious conduct*. Kagemni says, "Take care to act in such a way that people do not oppose thee . . ." (V). Ptah-hotep points out the disadvantages of approaching people at the wrong time (XXVI). Amen-em-apt gives various bits of advice along this line: Do not retaliate for an injury if you can reply orally (IV). Three precepts warn against falsifying the rolls (LVIII, LIX, LXXXII). Another states, "Remember not too exactly the antecedents of a man when thou art striving to seek his help" (LXIII). Another points to the advisability of protecting or standing by "the man in thine own town" (LXXXV). Recognizing both the importance of secrecy and the ease with which information spreads and becomes distorted, he says, "Make not thy works to circulate among the common folk" (XC). Ani advises us, first, not to scrutinize our neighbor's behavior too closely (VI); second, to keep away from strange places (XIV); third, "Let not thy heart be exalted before the flatterer" (XXXVII); and, fourth, "Go not into a crowd of people if thou findest that thou art stirred up to fight in the presence of men who are about to strike each other" (L).

Special attention is devoted to *the importance of wise and sensible speech and the avoidance of frivolous, foolish speech and slander, gossip, and malicious talk*. Ptah-hotep recommends silence whenever some one else "is speaking evil things" for "Those who are listening will applaud him, but thy name will be fair in the opinion of the princes" (III). In another he states, ". . . Make respect for thyself to spread with understanding and with gentleness of speech. Command not except when thou canst guide. . . . Keep not silence entirely, take care as to the path thou treadest" (XXV). Tuauuf believes in asking few questions of any kind, but particularly to guard against asking foolish ones (XXI). Amen-em-apt says "Keep thy tongue from speech of lying or slander" (XXXIV). Hear no evil; speak no evil: "I beseech thee to spread with thy tongue only the report of that which is good upon the earth, whilst as far as reports of evil are

concerned, hide them in thy belly" (XL). Again he says, with striking figures, "The word that is uttered by a man with malicious intent is swifter to hurt than the wind that precedes the storm. . . . He gives utterance to strings of words that carry destruction in them. . . . He loads the boat with the discourse of iniquity, he makes himself the ferryman of him that catches men in a net of words. . . . He causes men and women to become enemies by his scandal-mongering. . . . His lips are date-syrup, his tongue is a deadly dagger . . . " (XLI). "God hates the man who utters frivolous, lying speech" (XLVIII). "Better is it for a man to keep his information in his belly than to publish it abroad with the addition of lies" (XCI). Ani teaches, "Multiply not thy words. . . . Make thyself no mere tongue-wagger" (X). "Make use of no evil speech towards anyone who comes; a word dropped on the day of thy gossiping may turn thy house upside down" (XXXII). In one precept he emphasizes the advantage of kindly words: "When thy words are such as to be restful for the heart, the heart inclines itself gladly to receive them" (LXII).

The *avoidance of bad company* is quite generally recommended, for, as Amen-em-apt puts it, "If thou sailest with a robber thou wilt be left in the stream" (XXIX). Ani warns against the presence of a drunken man (VI). He begs the hearer or reader to "Take good heed to avoid the man of evil speech. . . . Keep thyself far from men who act crookedly, and make none of them thy companion" (XVII), and also to beware of flatterers (XXXIV). In the Ptolemaic *Precepts* we read: "Make not a wicked man thy companion" (III); "act not according to the counsels of a fool" (IV); "walk not with one of foolish mind" (XXI); and "stop not to hear his words" (XXII). Amen-em-apt twice warns also against being in bad places, especially food stores and beer houses. "Do not acquire the habit of passing the day in eating-houses and places where roasted meat is sold. Do not acquire the habit of passing the day in tasting one pot of beer after another. Those who pass their whole time at the food-store become tomorrow merely victuals" (XXII). Later on he states "Accustom not thyself to sit in the beer-house" (CI).

The attitude of the ancient Egyptians with respect to what they considered to be *actual antisocial acts in personal relationships* is reflected in the two lists of *Negative Confessions* discussed

in the previous chapter. It will be recalled that twenty-three of the confessions concern such acts. In the Ptolemaic *Precepts* are found the admonitions: "Kill not" (II); "save not thy life at the expense of another's" (XII); and "do not pervert the heart of thy acquaintance if it is pure" (XXIII).

Several lists include precepts that unmistakably deal with *justice, with special reference to its administration*. Ptah-hotep points out that the leader must be truthful and honest: "If thou art in the position of a leader and it is thy duty to give orders to a great number of people, pursue thou a course which is wholly excellent, and continue in it until there is no defect whatsoever in thy administration. Truth is great, and her virtue is lasting, and she has never been overthrown since the time of Osiris . . . " (V). He recommends impartiality in a later precept: "If thou . . . art chosen to go on a mission to make tranquil the multitude, search out the matter with strict justice, and declare thy finding, taking no side" (XXVIII). Khati advises his son to deal in a summary manner with an unjust and disloyal administration (V). He presents in some detail the nature of a just administration. "Do the right, and thou shalt continue upon the earth. Make the weeper to cease his plaint. Fleece not the widow woman. Drive no man away from the property of his father. Defraud not the princes by removing them from their hereditary offices. Take good heed not to inflict punishment unjustly. Slay none unnecessarily; it will not be profitable for thee. Inflict punishment by means of beatings and putting men under restraint; through treatment of this kind this land shall have a sure foundation" (XII). Khati also pleads for impartiality: "Make no distinction in thy behavior towards the son of a man of rank and the son of a man of humble parentage . . . " (XV). Antef, the governor, says of himself: "I am a good one in the courts when cases are being tried, equable of mind, free from words, or acts, that irritate" (15); "I am a man of justice, like the scales, impartial . . . " (17). Amen-em-apt admonishes against accepting bribes: "Accept not a bribe from a man of power and authority if thou art to treat wrongfully for him the poor man in distress" (LXXIX).

Cheerfulness, helpfulness to fellows, and friendliness are also looked upon as desirable by these ancient social thinkers. Ptah-

hotep says, "Let thy face shine with cheerfulness as long as thou livest. . . . Do not let any man approach thee and find thee with a gloomy face. A man wishes to remember what is pleasant in the years that he has yet to live" (XXXIV). Amen-em-apt states, "If thou seest another man stumbling from time to time, go with him and enable him to continue on his way" (LXIX). He goes so far as to advocate the loving of one's enemies when he states, "Show thyself friendly to the man for whom thou hast antipathy" (CIII). Ani counsels, "Be friendly and associate thyself with one who is just and true, when thou hast observed the manner in which he acts" (XVIII); and in the Ptolemaic *Precepts* we are reminded, "Take not a haughty attitude" (XXIV).

Character, purity, truth, and self-control are essential individual qualities. Ptah-hotep reminds the young man, "Thy character is more than thy friends . . . it is greater than a man's valuable possessions. . . . It is an excellent thing for the son of a man to have a good character" (XXXV). Amen-em-apt advises not to distort the truth (LIX).

III. THE PRECEPTS (*Continued*)

Several groups of precepts deal with economic relations. One group is concerned with *economic well-being, its social importance, its acquisition, and the desirability of having it for all alike*. Khati writes for his son " . . . Treat thy people well. Make the boundaries of thy country to flourish. . . . It is a good thing to make provision for those who are to come after. . . . The man who has nothing is greedy for the property of others" (X). Again he writes, "Make great [wealthy] thy princes and they will carry out thy laws. The man who possesses wealth in his house favors no man; the man with possessions has no need of bribes. The poor man does not say what it would be right for him to say, and the man who says, 'I would have more,' is not trustworthy for he will favor the side that will bribe him" (XI). Ani stresses the importance of developing an estate and even goes into some detail regarding the use of its different parts (XXIV). In another precept he advises giving to the hungry. You never know when you will be poor yourself. "Eat not bread whilst another stands by hungry and thou dost not stretch out thy hand to him with bread in it. It has never been known

whether a man will become destitute. One man has riches and another man is poor. . . . The man who was rich a year ago is a stable servant this year" (XLII).

One famous precept in Ptah-hotep centers around both the idea of the stewardship of wealth and gratefulness for the chance favors of Providence. "If thou hast become great, having been once in a very lowly state, and if thou hast acquired possessions, having been at one time in a state of destitution . . . forget not that which happened to thee in the times that are past. Set not thy heart's confidence on thy goods, which have, after all, only come to thee as gifts of God. Thou wouldst not be superior to any other man if what has happened to thee had happened to him" (XXX). In three of his precepts Amen-em-apt deals with the folly of avariciousness and covetousness. "Commit not an act of avariciousness so that thou mayest obtain additional wealth" (XII). Again he says, "Fashion not thy heart in such wise that it hankers after things of wealth. . . . Let not thyself abandon thy heart to the things that are extraneous" (XXV). In a third he advises against coveting wealth; it is a fetter that makes a man stumble; gold so easily turns to lead (LXX).

A considerable number of precepts deal with *miscellaneous duties regarding property*. Thus Amen-em-apt admonishes against encroachment on the dykes of the temple lands (XI); against cheating the widows and helpless men out of their land "when assessing the bounds of the estate" (XVII); against "treading down the boundaries of the fields" (XVIII); against encroaching upon the adjoining fields when ploughing and thus adding to one's own (XX, XXI); against the receipt of stolen goods (XXVII); against the falsification of the scales, the weights, or the measuring rod (LXX, LXXIII). Ani advises not to waste goods on a stranger (XIX), not to try to alienate another's slave (XXIII), and to avoid trespass and tampering with title deeds (LI).

Surprisingly few *family duties* are mentioned in view of the fact that the precepts deal so largely with primary group relations. The few we do have are given a prominent place, however, and cover the essential duties rather fully. Ptah-hotep in a striking paragraph points to the desirability of having a son and then expresses a philosophy of stern justice. "If thou

wouldst be a perfect man and dost possess a house and estate, beget a son. . . . If he does what is right, and if he imitates thee in thy actions and hearkens to thy teaching, and his behaving is perfect in thy house, and he cares for thy property as if it were his own, seek thou for him every kind of honor. He is thy son whom thy heart's desire has begotten; let not thy heart drift away from him. . . . But if he follows an evil course and opposes thy plans and does not carry out thy instructions, and his behavior in thy house is detestable, and he treats with contempt all thy words and sets his mouth in motion with vile words, and his face is turned away, and nothing remains in his hands, cast him away, for he is no son of thine, and he was not born for thee" (XII). In an equally striking one, discussing marriage and the treatment of the wife, he says, "If thou wouldst be wise or prosperous get married. Love thou thy wife . . . wholly and rightly. Fill her belly and clothe her back; oil for anointing is the medicine for her limbs. Make her heart to rejoice as long as thou livest; she is a profitable field for her lord. Enter not into disputes with her. . . . Make her prosper permanently in thy house" (XXI).¹ In another he points out that if one would have trusted servants one must be just and liberal with them.

Ani, in the spirit of old Ptah-hotep, though varying slightly in essentials, also points to the importance of having a son. "Marry a wife whilst thou art a young man; she will produce thy son. If thou dost produce thy son whilst thou art still young, thou will be able to train him to become a proper man. Good it is for a man if his posterity are numerous, and he will be applauded by reason for his children" (I).

In another long but pointed passage Ani presents the obligations one owes to one's mother. "Increase the breadcakes which thou givest to thy mother, and carry her as she carried thee. She carried thee as a heavy load many times. . . . When she brought thee forth after thy months, she set thee like a veritable yoke upon her neck, and her breasts were in thy mouth for three years. Whilst thou wast growing, disgusting in thy excrement, she felt not disgust at thee. . . . Afterwards she placed thee in the school, and whilst thou wast being taught thy letters, she came to thee there day by day, regularly and unfailingly, with breadcakes and beer from her house. When thou art a young

¹ See also XXXVII.

man and dost marry a wife, and act the master and possessor of a house, I pray thee look back at thine own childhood and how thou wast reared, and do for the child that shall be born to thee everything that thy mother did for thee. Let it not happen that she have cause to blame thee. . . " (XLI). He deals in a knowing manner in another precept with a married woman's conducting of her home. "Attempt not to direct a married woman in her house when thou knowest that she is a perfect housewife. Say not to her, 'Where is that? Bring it to us,' when she has put the object in the proper place. Make thine eye to watch her, and hold thy peace, and then thou wilt be able to appreciate her wise and good management. Happy wilt thou be if thou art hand in hand with her. There are very many men who do not understand this. The interfering man only sets confusion in his house, and never finds himself the actual master thereof in all matters in reality" (LVII). In the Ptolemaic *Precepts* we also read, "Let not bitterness penetrate into the heart of thy mother" (I) and "let it not happen that thou maltreat thy wife whose strength is less than thine; let her find in thee her protector" (VIII). Regarding the treatment of a son the *Precepts* also advise, "Do not maltreat thy child, he is feeble, lend him thy aid" (XIV) and "abandon him not to any other of thy sons who is stronger and more courageous" (XV).

Several other precepts deal with *sex relations that ought to be avoided*. Ptah-hotep warns against entering into entangling alliances with the women in the homes of one's friends (XVIII) and also states, "Have no intercourse with a woman-child" (XXXII). Amen-em-apt says "Avoid the beautiful singing woman" (LXX) and also warns against the wiles of widows (CX). In Ani we find a teaching regarding the prostitute and the married charmer which has influenced proverbial literature elsewhere. "Guard thyself well against the woman from the outer district who is not known in her town. Cast no longing glances after her as do those who are like to her, and have no carnal intercourse or other relation with her. She is a deep ditch, and where her currents will lead no man knows. When a woman, whose husband is absent from her, shows her beauty and invites thee to her every day, saying that there are no witnesses present, and puts her net in position to snare thee, it is a great, abominable deed deserving the death penalty for a man to hearken to her, even

if she has not succeeded in her object. . . . Yet men will commit abominable deeds in order to gratify this one passion" (VIII). Feeling that the counsels of a woman are unsound, Ani states, "Follow not the counsels of a woman, and let her not lead captive thy understanding" (LVIII). In the Ptolemaic *Precepts* we find the instruction, "Let not thy son be familiar with a married woman" (XVIII).

Among the most frequently mentioned duties of all in these lists of precepts are those having to do with *the treatment of inferiors and unfortunates*. Ptah-hotep warns against trying to kick down the humble man who has "made good" (X) and also admonishes his fellows, "Rob not the house of the peasants. . . . If he [the chief] knows it he will be hostile to thee" (XXXI). Antef says, "I am a friend toward those who are in a lowly condition, and to the man who has nothing my just dealing is sweet" (9). "I am the food of the hungry man who has no possessions and open-handed to the destitute" (10). "I act as the man of knowledge for him that is ignorant, and I teach a man that which will be beneficial for him" (11). Amen-em-apt repeatedly instructs on this subject. He warns against plundering the poor or mistreating the destitute (I). Do not talk down to the aged (II). He insists on showing kindness to people of humble condition (XXXV). Be dignified in the presence of the lower classes (XLVII). As a kindness to him relieve the poor man of part of his hidden treasure (LXI). Do not laugh at the blind man or dwarf, frustrate the lame man, or irritate the injured man by praising the man who wronged him (XCIX). With Ani (VI) Amen-em-apt also would aid the old man when the latter is drunk (CV). Finally in the Ptolemaic *Precepts* it is stated, "Let it not happen that thou maltreat an inferior, and there will come to thee the respect of the venerable" (VII). "Take not away the pleasure of those dependent upon thee" (XVII).

One finds in these lists, as in almost all ancient instructional materials, definite warnings against in any way modifying these precepts, specific admonitions to perpetuate them, and a rather lengthy array of statements pointing out the advantages to be enjoyed by those who scrupulously observe them. Ptah-hotep appends nine rather sizable paragraphs to his list of precepts conveying these ideas. Among the phrases that one notes

immediately are: "It is the Teaching that a man should hand on when speaking to his posterity" (I); "Everyone who has heard is an excellent person, and it is an excellent thing for him to hear more" (II); "calamity overtakes the son who will not hear" (III); "suppress no word in this book, and add nothing to it, and set not one thing in the place of another" (VII).

Khati points out that for him who imitates his ancestors and accepts the precepts "Truth comes to him in a well-rubbed-down state in the form of the sayings of the ancestors" (VIII, IX). Amen-em-apt gives a detailed list of the special proficiencies acquired by a knowledge of the precepts and the disadvantages flowing from their violation (*Intro.* Lines 1-12, 46-58). Sehetepabra says at the end of his list, "Do these things, and your bodies shall be strong and healthy, and they shall prove of benefit to you for ever and ever." Ani repeats the thoughts of his predecessors (XXXVI).

IV. A GENERAL CHARACTERIZATION OF THE PRECEPTS

We have here a form of literature by and, with one notable exception, for the upper classes, a repository of wisdom for living and ruling. Its traditional, if not its actual, authors were viziers or other high officials of ministerial rank, kings and princes, professional sages and scribes, men whose authority and reputation as successful men of affairs greatly enhanced in the eyes of their own and later generations the value of their practical social teachings. That these precepts must have been highly popular and widely read throughout the long history of Egypt is evident from the large number of different sets and the relatively large number of copies in several cases that have survived the same selective processes that governed the literature treated in the preceding chapter.

The very nature of Egyptian upper-class life gave importance and interest to these precepts. The tasks of political administration, the management of estates, the advising of subordinates and servants, the maintenance of family, the preservation of reputation and position, the amenities of both official and private life presented behavior situations and problems that cried for policies, principles, and codes. Furthermore, these nuggets of wisdom appealed to the Egyptians who always highly prized wit, versatility, cleverness, and smooth performance.

Of these lists the longest, most complete, and probably most important were those of Ptah-hotep, the vizier of the Old Kingdom; Amen-em-apt, minister of agriculture, of the Middle Kingdom; and Ani, the scribe, of the Second Empire period. Ptah-hotep's precepts evidently are a collection that had grown up among the officials of the Egyptian state, some of them doubtless antedating the known collection by centuries. They present to us the conventional daily philosophy of the wisest among the official body, both of the brilliant Old Kingdom, from which they date, and the more sophisticated but more perturbed later periods during which they also had wide currency. As Breasted has pointed out, over half of Ptah-hotep's admonitions deal with personal character and conduct (paragraphs 1, 2, 3, 6, 8, 10, 11, 13, 17, 18, 19, 22, 29, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41), while the remainder of the forty-three are concerned with administration and official conduct (paragraphs 4, 5, 7, 9, 12, 14, 15, 16, 21, 23, 24, 25, 26, 27, 28, 30, 39, 42, 43). The sum total of Ptah-hotep's teaching is:

Keep on friendly terms with everyone; do not be arrogant or conceited or ill-tempered or covetous, because these failings annoy people; marry a wife, and avoid entanglements with women, whether strangers or kinsfolk; be courteous and deferential to your superiors, and keep clear of quarrels; always be cheerful; lead the happiest life you can as long as you can, taking care not to work harder than you need, and not to worry about your house and estate and their everyday concerns.¹

The teachings advocate gentleness, moderation, discretion, cleverness, poise, and balance. Life is abundantly worth while; enjoy it. Be cheerful, do right, and deal justly with all. Then you will enjoy happiness, wisdom, professional success, and prosperity.

One of the significant features of Ptah-hotep's precepts is that they contain no religious teachings of any kind. God is the author of destiny and the dispenser of good, material and otherwise, but neither prayer nor sacrifices are mentioned, nor is there any reference to life beyond the grave or man's responsibility for such a life. His thought is that of a shrewd but kindly, worldly-wise old courtier—a keen student of human nature and

¹ BUDGE, *Amen-em-apt*, pp. 11-12.

human relationships—who is concerned with fitting his son for life here and now among his fellows.

Amen-em-apt gives us the longest and by all odds the most unique list of precepts. All of the other lists were written specifically for the instruction of the young men of the official class, particularly sons and heirs, and were highly utilitarian and worldly in their nature. While this latter note is by no means lacking in Amen-em-apt, his audience is broader, including all who can profit by wisdom. His object was to teach men to treat all of their fellow men with kindness and consideration, to have pity for the helpless, show charity to the destitute, and help those in need or trouble or adversity.

A second feature, quite unusual, which distinguishes it from the other more general lists, is the omission of all precepts dealing with the relations of men with women, whether licit or illicit. Ptah-hotep and later Ani devote much attention to avoiding certain types of women, offer advice on how to treat wives and other women that come into a man's life, recommend marriage, having a son, and the proper treatment of parents.

Another particular feature of Amen-em-apt's teachings is the more frequent reference to God. God is not separated from man by an impassable gulf. There is a definite connection between man and God. Man is safe and well-guarded only when he places himself in the "hand of God" (line 253). He states, "Seat thyself in the arms of the God" (line 431, 457). He who finds wisdom "shall find the Life" (line 123), and this "Life" has decidedly spiritual connotations. Again he states, "The love of God is more precious and to be esteemed than the respects [or reverences] of the nobleman" (lines 525, 526). But his work was not written to teach religion. Its primary object was social and moral instruction.

He writes, he says, the admonitions that will enable a man to maintain a "safe" position under all conditions. They will help him to preserve his fair name, to keep his character unsullied, to move in good society, to be healthy in body, to be free from carping care, and to keep a firm hold on his possessions.¹

Be moderate, neither overzealous nor apathetic. Be humble and unostentatious in your benefactions. Show kindness,

¹ BUDGE, *op. cit.*, p. 131.

humanity, and consideration for others of all ages and classes. Mind your own business. Be independent but courteous. Keep away from evil people of all kinds. Be weighty in speech and dignified and temperate in behavior. Avoid covetousness and the heaping up of riches. Treat people with kindness sufficient to gain their good will, but beware of undue familiarity and friendship. Avoid gossip, and use the soft answer to turn away wrath. The man who is modest and just among his fellows is "safe in the hand of God." Throughout is the hint that virtue is its own reward. The author frequently rises above pure social utilitarianism. It is undoubtedly the highest type of social thinking promulgated in early Egypt.

The teachings of the scribe Ani of the New Empire show great dependence upon the lists of earlier times, especially Ptah-hotep and Amen-em-apt. He attempts, however, to supplement the preceding lists and does introduce several new ideas. In the main, though, he but states the precepts of the preceding in different language and with occasional change of emphasis.

V. DEDUCTIONS AND SUMMARY

Certain more or less obvious conclusions may be set forth.

1. Each succeeding set of precepts shows similarity to the earlier ones but also usually incorporates some necessary additional ideas. Ptah-hotep sets the pace and establishes a set of principles. Subsequent writers pay all honor to their predecessors but also, perceiving that the older precepts do not supply advice on every important subject, proceed to add some supplementary admonitions.¹ By the time we get to the Ptolemaic *Precepts*, however, we find not a single unique idea expressed. This considerable similarity of the precepts of the different lists is due partly, undoubtedly, to transmission from generation to generation and borrowing by the subsequent writers but also to the fact that the great bulk of the precepts deal with universal and omnipresent aspects of social relationships in a stratified society which are not seriously affected by the succession of eras. It has probably occurred to the reader that many of the precepts in these lists are as apt and as effective in producing the anticipated result today as they must have been 4500 years ago.

¹ Cf. BUDGE, *The Literature of the Egyptians*, p. 228.

2. In view of the fact that all of the important lists were written by 1350 B.C., they show a high development of practical wisdom, social analysis, wit, versatility, and administrative adeptness at a relatively early date.

3. They reflect a strictly utilitarian, though by no means inhumane, social philosophy. They combine shrewd pragmatism and opportunism with a very superior conception of justice. They are the earliest written expressions of worldly wisdom in organized groups, excepting a few fragments of Babylonian aphorisms and admonitions found in the Library of Ashurbanipal, which may go back to a much earlier date.¹ They inculcate proper behavior to superiors and inferiors, official and personal, to people generally, and to property, because it is worth while for the individual to do so. The individual is admonished to act appropriately in a social way because in so doing he will be able to "get on," people will like him and respect him, and recognition and promotion will come to him; the lower classes will give him their good will and support. There is no very clear expression of social rightness for the sake of society's order. The reason given for right action is so often that "it is profitable" or that it gains the doer a "good name." The highest piece of commendation the official could inscribe on his tomb was, "I did that which all men approved." The politic or expedient procedure is usually the desirable and recommended one. At the same time some purely humanitarian and disinterested motives are also in evidence. There are *many* things that it is *well* to do; there are *some* duties that *must* be performed in the interests of mercy, justice, social order, and general well-being.

4. The point of view underlying that behavior most clearly redounding to the benefit of the group as a whole is that of the individual, however, throughout these precepts. The spirit and motive are egoistic or egocentric and not impersonally social. The only clear variation from the individual point of view is the occasional precept in which that of the class predominates.

5. The wisdom is almost entirely practical and concrete. There is little probing into the inner nature of things. The philosophical or speculative and the scientific or causal aspects

¹ Cf. M. JASTROW, *Civilization of Babylonia and Assyria*, pp. 461-462, Philadelphia, 1915; E. A. W. BUDGE, *Babylonian Life and History*, pp. 153-155, New York, 1926.

of events and behavior are not touched upon. In the discussions of justice, for example, there is no devotion to the abstract elements, no elaborating of the nature of justice; the discussion is confined almost entirely to the necessity of justice and to its administration.

6. Finally, these precepts show a keen knowledge of human nature and the essentials of the fine art of living comfortably and prosperously in the primary group. In this respect also they are highly valuable case material. They were so useful through all the periods of dynastic history that we find them employed down to the time of the Egyptian Christian ascetics.

VI. GENERAL SUMMARY OF ANCIENT EGYPTIAN SOCIAL THOUGHT

By way of conclusion and summary, it may be said that the ancient Egyptian literature with significance for the social scientist falls into five loose groups which overlap considerably. There is, first, the earliest, the most frequently appearing, and the most abundant type, the precepts or admonitions. These embody the philosophy of social relationships and the conceptions of social obligations of the official classes. They can be looked upon as statements of the Egyptian social code in effect among the upper classes from the beginning of the dynastic period down to Greek and possibly Christian times. They constitute one of the most exceptional sets of social documents of antiquity.

A second group consists of those documents voicing discontent and sorrow because of the social chaos and confusion during the Dark Ages. Notable here are the *Dialogue with His Soul of a Man Weary of His Life*, the *Lamentations of the Priest of Heliopolis*, parts of the enunciations of Ipuwer and Nefer-rohu, and the *Song of the Harper*, containing the philosophy of disillusionment and the statements regarding the uncertainty and futility of life of the old vizier. Imhotep may also be included here.

A third group includes that rare collection of statements expressing ideals of political administrative official duty and the nature and importance of social justice. Outstanding here are the tomb inscription of Henku the nomarch, the *Tale of the Eloquent Peasant*, and the charge given at the installation of the Vizier.

A fourth group incorporates Egyptian prophecy and messianic proclamings, the specimens available being those of Ipuwer and Nefer-rohu.

The fifth group constitutes what is generally known as the *Negative Confessions*, consisting largely of the declarations of innocence of antisocial acts and of failure to fulfill certain duties among one's fellows. Here we have a very concise behavior code incorporated in the religious practices.

Egyptian social thought takes the form of examination of human nature, social description, social criticism, social admonition in certain precepts and prophecies, a certain amount of social analysis, much social idealism, and some social reconstruction or utopianism. As a medium it uses no formal and specialized type of social literature but the ancient and highly efficient forms such as the tale, the prophecy, the proverb and precept, and the song or chant, or it embodies it in ritual or ceremonial. Every example that we have shows that it was written with a utilitarian object in view. It was literature with a purpose. Considering the fact that it has funerary connections almost without exception, it is amazingly free of religious connotations. It gives us a varied and rich picture of the secular thought along social lines of the intellectually awakened portion of one of the most brilliant early civilizations. It profoundly affected every culture that made any contact with it.

CHAPTER IV

THE SOCIAL THOUGHT OF BABYLONIA

I. THE GEOGRAPHICAL AND HISTORICAL SETTING

The scene shifts to the rich valleys of the Euphrates and Tigris. This is an area extending width-wise between the Arabian Desert on the south and southwest and the mountains and plateaus to the northeast and north, never more than 200 miles wide and for most of the region considerably less. It stretches lengthwise from the Persian Gulf some four to five hundred miles north-westward and includes the lower and middle drainage areas of the two great rivers. The middle area, known as Mesopotamia, is a more or less rocky plain; the lower portion, known as Babylonia, is a flat alluvial district, the product of the deposit of the rivers, subject to seasonal inundation and cut by the shifting channels of the rivers and by canals. The rivers have played a master role in this area since earliest times. They formed and are still forming the lower area; the fertility and the prosperity of the whole were dependent upon their seasonal floods; they were the chief means of communication, the main channels of trade, and the chief agencies for the distribution of the culture. Aided by a fairly equable climate, the lower area has provided rich agricultural possibilities whenever the irrigation and drainage system was functioning properly. Small grains, such as wheat, millet, and sesame, indigenous to the region, have been cultivated since before the earliest records, while the date and fig have been staples. Over the Mesopotamian plains roamed the gazelle and the wild ass, while in the thickets along the river banks were found the lion, the wild ox, and the wild boar. The domestic animals were brought in by man—the camel coming with the Bedouin from the Arabian Desert, as did also the great flocks of sheep and goats, while the horse was the “animal from the east.”

There was neither metal nor stone to be found in all the borders of Babylonia. The limestone, basalt, marble, and alabaster and the copper, lead, and later iron that were used came from the mountains of northern Mesopotamia, as did also most of

the timber. The clay deposits of the alluvial plain were the source of practically all building materials and were also extensively used in the manufacture of household appliances, especially pottery, and in the making of writing tablets.

The culture of these valleys is so old that its beginnings can only be conjectured. More than 4000 years¹ before the beginning of the Christian era a high type of civilization was in effect in this area. The territory was divided among a number of mutually independent city-states, chief among which were Eridu, Ur, Larsa, Uruk, and Nippur. While the governmental institutions were simple, they were effective. The people built their private and public structures out of burned and unburned brick. They carried on communication and made permanent their ideas by means of a system of wedge-shaped characters, the cuneiform, which a later age was to adopt and make the formal writing of the known world. Written inscriptions are available which certainly go back to 3500 B.C.² Art was already conventionalized and showed great skill. Religion was well-developed with a full material equipment. Each city had its god and its temple. The people were skilled in the use of metal. Agriculture was the chief mode of production with herding of almost parallel importance. Commerce was carried on not only within the land itself but by means of the trader's caravans with all the surrounding peoples. A carefully constructed and well-maintained system of canals served both as the great feeders for the irrigation ditches which interlaced the lower valley and as means of communication and transportation. The arts of defense had reached a high degree of development as a matter of necessity in this readily accessible and much contested territory. Woolley, who has carried on extensive excavations in south Babylonian mounds, states that the contents of the graves of 3500 B.C. and even earlier belonged to a civilization already old and endemic, if not decadent. Nothing was in an experimental stage. Its duration was to be reckoned in thousands of years.³ Ancient Babylonia was, in fact, one of the two earliest if not the oldest center of human civilization.

¹ Cf. R. W. ROGERS, *A History of Babylonia and Assyria*, p. 2, New York, 1915; G. A. BARTON, *Sketch of Semitic Origins*, p. 155, New York, 1901.

² BARTON, *op. cit.*, p. 155.

³ C. L. WOOLLEY, *The Sumerians*, Oxford, 1929.

From the earliest days, before the unification under the great king Hammurabi (2123–2081 B.C.), the country was loosely divided into two parts, Sumer or Shumer occupying the lower valley and Akkad the upper or northwestern part. Originally this also represented a racial cleavage, that between the Sumerians of Sumer and the Semites of Akkad. Which arrived in the valley first is still a matter of controversy, though on the basis of durability and persistence of culture the Sumerians would seem to be the oldest. The Sumerians are depicted in the ancient inscriptions, reliefs, and sculptures as roundheaded and clean-shaven, in contrast to the Semites who are longheaded and bearded. The Sumerians spoke what is called an agglutinative tongue, the affinities of which are still a puzzle. Their physical forms, features, and characteristics suggest, according to Budge, that they were an offshoot of an east Asiatic people,¹ possibly of Turanian stock, while Jastrow and Eduard Meyer, on the other hand, believe that they were originally a mountain people who came from the northeast or the northwest. They furthermore contend that they were probably hunters in their old home environment, since legend made Nimrod, the founder of Euphratean culture, a mighty hunter. Their gods also were always pictured as standing on mountains, and their early construction showed survivals from a type that used timber extensively.² Other authorities think that they were of Armenoid origin.

The Semites were part of that great racial group that emerged from the Arabian Desert in successive waves and gave the world not only the Semites of Babylonia and Mesopotamia but also the Assyrians, Amorites, Canaanites, Aramaeans, Phoenicians, Carthaginians, Hebrews, Ammonites, Moabites, Edomites, Nabataeans, Arabs, Sabaeans, and Abyssinians. All of these show a good degree of similarity in their physical and mental characteristics and in their language.

The early history of Sumer and Akkad was dominated by both the racial and the cultural conflict between Semites and Sumerians. Out of this struggle eventually emerged the political dominance of the Semites and the cultural dominance of the

¹ E. A. W. BUDGE, *Babylonian Life and History*, p. 12, London, 1886.

² M. JASTROW, *The Civilization of Babylonia and Assyria*, pp. 105–107, Philadelphia, 1915.

Sumerians. The establishment of the Babylonian monarchy marked the close of the political career of the Sumerians as a race. Their culture, however, "went marching on." It was, in fact, the dominant originative and molding factor in Babylonian civilization. In government, law, writing, literature, and art the Semites merely borrowed from their Sumerian teachers, and, although in some respects they improved upon their models, in each case the original impulse came from the Sumerian race.¹ For example, the Semites took over the cumbrous and awkward cuneiform script and were using it to write their own tongue, a language inflected and not agglutinative and quite unrelated in form and vocabulary to the Sumerian. They also borrowed Sumerian words and adapted them to their own modes of speech. The Sumerians were among the most important introducers of culture into the Near Eastern world, some contending that they also played a part in the cultural development of predynastic Egypt.²

In Babylonian chronology reference is always made to a list of mythical kings. One list mentions ten who ruled a total of 241,200 years before a certain "flood."³ Berosus, a Babylonian priest of the third century B.C., in his chronology also speaks of a postdiluvian dynasty of 34,091 years.

Down to the time of the dynasties of Babylon the actual political history of Babylonia is a matter of continual contention of the city-states with one another. Again and again an energetic and skillful ruler of one of them would reduce many or all of the others to a state of vassalage and establish a short-lived empire. Occasionally an especially successful ruler would establish a dynasty that persisted for three or four generations. But more often it happened that as soon as such a conqueror passed away the cities subdued reasserted their independence, and the process

¹ Cf. L. W. KING, *A History of Sumer and Akkad*, London, 1923.

² For example, S. H. Langdon states, "In the opinion of the present writer the entry of the Sumerians into Mesopotamia and Egypt heralded the dawn of civilization in the ancient world, and with their decline and disappearance the most talented and humane of early peoples became extinct." *Cambridge Ancient History*, Vol. I, pp. 462-463.

³ For the archaeological evidence of an actual early flood, probably the basis for this break in the chronology, and also of the deluge myths of the Near East, see C. L. WOOLLEY, *Ur of the Chaldees*, pp. 25-31, New York, 1923.

of rivalry and conquest began anew.¹ The earlier history presents a picture of alternating centralization and disintegration. The earliest records now preserved concern Lagash, Nippur, and Kish in the land of Sumer. It would seem that the city of Kish exercised the earliest superiority over Sumer. The first great name was Mesilim (c. 3100 B.C.) of Kish, who received the allegiance of Lagash and other cities. One of the next great names was that of Ur-Nina (c. 3000 B.C.) who founded the dynasty of Lagash, destined to endure through six reigns. He built city walls and dug canals among other works of beneficence, in addition to his conquests. The grandson Eannatum (c. 2920 B.C.) was an even greater man than his grandfather. He laid low the cities of Umma and Kish and also drove back the Elamites. From his reign came the famous *Stele of the Vultures*, an illustrated narrative of his diplomatic and military achievements as well as of the great canals and reservoirs constructed by himself.² Entemena, grandson of Eannatum, extended the domain of Lagash still farther and also revived artistic handicrafts. With him the dynasty exhausted its power, though it continues through four more patesis or priest-kings. The next dynasty, still seated in Lagash, included the great Urukagina (c. 2800 B.C.), who insisted on the title of king rather than patesi. He gave in one of his inscriptions a long and vivid account of the oppressions from which he freed the people and the political and social reforms that he effected. He also mentioned great public works completed. Notable likewise is the fact that he was responsible for the greatest codification of law before Hammurabi. After Urukagina political power departed from Lagash forever. It was sacked and destroyed by Lugal-zaggesi, of Ur, who founded a new regime. Peace and prosperity prevailed during his reign (c. 2685) and through that of his successors. This dynasty is followed by that of the Semitized patesis of Kish, whose chief achievement was their offensives against the ever eager Elamites to the East.

¹ Cf. G. A. BARTON, *The Royal Inscriptions of Sumer and Akkad*, p. xvii, New Haven, 1929.

² The digging of canals was one of the important tasks of Babylonian rulers from the earliest days. They frequently reckoned time from the digging of an important canal. Cf. B. MEISSNER, *Babylonien und Assyrien*, Vol. I, p. 7, Heidelberg, 1920.

With Sargon I (c. 2675 B.C.) began the first great Semitic dynasty with Agade or Akkad as its capital city. Sargon not only conquered Sumer but extended his empire, as an ancient document puts it, "from the Upper Sea to the Lower Sea," *i.e.*, from the Mediterranean to the Persian Gulf. The son Naram-Sin, a worthy successor, held the father's empire and extended his conquests. His successor was Shargali-sharri, who successfully repulsed an Elamite invasion. This dynasty lasted 197 years and was followed by the domination of the kings of Uruk (Erech) and Gutium, a temporary revival of Sumerian power, beginning about 2475 B.C. About this time also began the penetration of a new wave of Semites from the desert. The last king of this Ur dynasty was captured by the Elamites (c. 2330), who had invaded the valley and controlled all southern Babylonia. The new Isin dynasty (2350-2125 B.C.) broke the Elamite power and created a temporary empire of some note. They called themselves "Kings of Sumer and Akkad." Civilization in Babylonia since at least 4000 B.C. had been Sumerian at foundation. But it was now definitely succumbing to the Semitic influence, effective to the north since about 3000 B.C.

In 2225 B.C. the first of the two great Semitic (Amorite) dynasties was established with Babylon, heretofore an undistinguished city, as the seat. The Babylonian Empire now reached its epitome. These two dynasties, the efflorescence of the Semitic invasion of half a millennium before, endured 400 years. Their greatest man, and the most notable in all Babylonian history, was Hammurabi, sixth king of the first dynasty, of whom more will be said below. Gradually the nation was weakened in a military sense by the development of the arts, the increase of trade and commerce, and the general progress of civilization. About 1758 the empire gave way to the rule of a line of unknown foreigners, the so-called Kassites, from the east, which lasted until 1181 B.C. During this long reign the Kassites were absorbed into Babylonian culture as a whole. The period was a sort of Babylonian "Dark Ages." The Kassites were overthrown by a Semitic revolution, and the second dynasty of Isin (1180-1047 B.C.) came into existence.

For centuries—at least since 2200 B.C.—the Assyrian power in the north had been waxing strong, undergoing internal strengthening and solidifying. Decadent Babylonia now was

forced to submit to Assyria, and Mesopotamia and Babylonia were for centuries part of the great Assyrian empire, first as vassals and then as an integral part. But Babylonian culture lived on. Much of it was in fact adopted *in toto* by the conqueror.¹

The general nature of early Babylonian civilization can be but briefly depicted. Each city was governed by a patesi, an official similar in duties and power to the nomarchs of Egypt. These patesis, as we have noted above, quarreled among themselves, made war upon each other, invaded and, if possible, conquered each other's territory, and established dynastic control over the entire subjugated area. It would seem that the hydrographic conditions, *i.e.*, the enforced cooperation over considerable areas in constructing and maintaining the canals that filled up very quickly if neglected, was one of the situations that forced centralization from an administrative center, however fluctuating it might be, on a people traditionally devoted to city-state organization. A variety of taxes, including customs duties collected at the gates of the cities, were levied to support the political institutions and the military enterprises. The population was composed of various social-economic grades, occasionally affected, one gathers, by racial lines. At the apex of the pyramid was the aristocracy headed by the patesi. The nobles lived on their estates and at the court of the king alternately. The priests ranked with the nobles. Below them were the city businessmen—bankers, merchants, jobbers—and skilled artisans. Next in rank were the tenant-farmers, who superintended their rented farms themselves, hired the laborers, and paid their rent in kind. Below these were the numerous class of free laborers, who hired themselves out, received wages, and had the right to make contracts. The great base of the pyramidal structure consisted of slaves recruited from the conquered peoples, those purchased abroad, the debtors, and, of course, the national increase of these groups. As will be seen, the lot of the Babylonian slave was not a bad one on the whole. These slaves were employed on the great estates and also by the urban builders and manufacturers.

¹ For a more extensive account of Babylonian dynastic history see such works as KING, *op. cit.*; ROGERS, *op. cit.*, Vol. II; JASTROW, JR., *op. cit.*, pp. 120-186.

The economic life of ancient Babylonia was a varied one. Basic, of course, was the agriculture carried on, with the aid of canals and irrigation, in the river bottoms. Some of the finest grains of the Near East were raised in this part of the Fertile Crescent. The less fertile lands were given over to the herding of enormous flocks of sheep and goats and the raising of asses, camels, and later horses. The products of field and herd were worked up into articles for local consumption and also for foreign commerce. Among the various craftsmen mentioned in the inscriptions are the carpenter, smith, worker in precious metals, the weaver, leatherworker, dyer, potter, brickmaker, vintner (maker of barley beer and date brandy), and the surveyor. The conversion of the unusually heavy and durable Babylonian wool into cloth and rugs was an especially important industry, and the products, notably the famous "Babylonitish garments," were among the most significant articles of commerce. Different cities were noted for special kinds of cloth. Thus the city of Mar made the famous *mairatu*. The other great export articles were the grains, dates, and leather products. Brickmaking, using the alluvium to be found everywhere in the lower valley, was another important industry. In fact the month of *Simanu* (May-June) was the "month of bricks." It was at this time of the year that the floods brought down sifted alluvium, which was molded at the time when it was of the right consistency and degree of moisture and put above water level to bake slowly in the sun.

Babylonia, owing to its accessibility, the wealth and quality of its natural products, and the complete absence, on the other hand, of certain basic essentials, such as metal, spices, stone, and timber, became one of the greatest commercial nations of antiquity. Rafts and boats plied its rivers and canals, and its caravans penetrated the ends of the known world. Its earliest records mention the construction of great storage buildings, and the great bulk of its literary fragments consists of commercial and legal documents connected with this extensive internal and foreign trade.

Property took varied forms. There was the public property in the cities such as the various public buildings, both political and religious, and the pasture lands in the open country probably still common land. The great estates were held as grants from

the king under a sort of feudal regime. There was also a considerable amount of privately owned urban and rural land judging from the various contract tablets indicating property transfers. Commonplace also was the private property in grain, manufactured goods, precious metals, slaves, and livestock. There is every evidence of a flourishing material life during most of the history of ancient Babylonia.

The family was a very important element in the society of the time. The father was the recognized head, though some evidences of mother-right occasionally appear. While the wife was under the husband's control, yet she had much freedom. She had control over her own dowry. It appears from old documents that the wife could conclude independent private contracts and that she had legal standing in the family circle as well as before a court of law. She had her private property and retained the right to dispose of it. Both marriage and divorce were formal. While monogamy prevailed, as among most Oriental peoples, polygamy and concubinage were not uncommon. Children were the supreme end of marriage, and adoption was widespread. Disposal of a wife on the grounds of sterility was a common practice.

Originally each city had its own god. When one city conquered another its god also became the supreme god of the other. In this way with successive conquests a sizable pantheon eventually developed with Marduk, god of Babylon, as the chief god, the source of light and wisdom and justice. The priests were numerous, well-organized, and made their beliefs and principles carry significance in the culture of their peoples.

The absence of stone was a determining factor in the architecture, art, and writing of the people. All stone had to be imported, hence was used sparingly. Clay bricks, sun-dried or kiln-burned, with the exception of an occasional door lintel or arch head of imported wood or stone, were the only building material. The buildings, therefore, public and private, conformed in their architecture to that appropriate to the major building material. Brick exterior walls with clay or rubble filler were used in the construction of the ziggurats (worship towers), fortifications, city walls, and for certain walls of buildings. For decorations in their buildings the Babylonians depended largely on mosaics and friezes made of painted and enameled tiles or bricks. The

statuary was made of imported stone. Metals, being of small compass, were extensively imported from earliest times and used for artistic purposes.

The abundance of the plastic clay, readily molded into tablets, and the presence of an ancient, well-developed system of writing fostered the development of the literary art. The ancient Sumerians and Babylonians, for example, seemed unwilling to transact even the smallest item of business without recourse to the written document.¹ The cheapness of the writing material was undoubtedly an inducement to the scribes to put various traditional culture elements into writing. The imperishability of these clay tablets has preserved in a marvelous way the literature of this early civilization. Thus in contrast to Egypt where the records were either on papyri enclosed in rock-bound tombs or engraved upon stone steles, obelisks, or temple walls, in Babylonia and Assyria the literature is found upon memorial tablets, prisms and cylinders of clay mainly, or upon obelisks and steles of imported stone or upon the walls of palaces and temples, usually in the forms of mosaics. Babylonia is lacking in one very revealing type of literature common in Egypt, namely, the biographies and eulogies which the nobles inscribed upon the walls of their tombs. These threw a vast amount of light on the political and social-economic life of Egypt.

By the time of Hammurabi an immense literature had come to flower, a literature as valuable and interesting as that written on the papyri and monuments of Egypt. A considerable number of nature myths centering around the creation of the world had come down from remote antiquity. In their final collected and systematized form they compose the great *Creation Epic*, the forerunner of others now more widely known. Of even greater significance is the *Gilgamesh Epic* in twelve books. This epic is really the *Nibelungenlied* of Babylonia. It recounts the deeds, exploits, and sufferings of Gilgamesh. His name, like that of Odysseus in Greek literature and Siegfried in Germanic mythology, formed the center around which a variety of ancient stories and legends clustered in the course of time. The eleventh book of the *Gilgamesh Epic* is the account of the Deluge, the prototype of the Hebrew narrative of the Flood. There are also

¹ D. D. LUCKENBILL, *Ancient Records of Assyria*, Vol. I, p. 4, Chicago, 1926.

a number of myths and legends such as those of Adapa, the first man, bearing close resemblance to the Adam story of *Genesis*, and of Sargon who, like Moses, was exposed as an infant in a basket of reeds on the river, where he was rescued by a peasant, beloved of Ishtar the goddess, and finally became king. There are also many hymns and penitential psalms. All of these are of great significance to the folklorist and the student of cultural diffusion, for they have profound influence upon later cultures. Richest in social thought, however, are the great code of Hammurabi, the various lists of maxims of conduct and proverbs, a series of writings of a contemplative nature revealing a rich social philosophy, and innumerable letters, legal documents, and contracts.¹ These documents with social significance will be treated below.

II. THE CODE OF HAMMURABI

1. Its Background and Its Promulgator.—The period of Hammurabi's dynasty, the first of Babylonia (2225–1926 B.C.), was one of great literary, as well as commercial and political, activity. Many of the tablets found in the great library of Assurbanipal, the Assyrian, have been ascribed to this period by their characteristic forms of expression. In fact, Johns states, “. . . the view is general among Assyriologists that this period produced most of the masterpieces which later generations chiefly reproduced.”² The outstanding, surviving literary contribution of this period, and perhaps the most significant existing literary product of all Babylonian civilization, is the Code of Hammurabi. This code is the first great legal code on record in the history of civilization and also the most signal legal document of far antiquity. It is the result of a long series of processes and procedures in the regulation and adjustment of social relations of all kinds in this ancient empire.³ We know also, from abundant documentary material, that it remained the standard of Babylonian laws, with some modifications and additions of course,

¹ At the site of Nippur alone more than 30,000 contracts and accounts dating from the fourth millennium to the fifth century B.C. were found. L. W. KING, *Legends of Babylon and Egypt*, p. 19, London, 1918.

² C. H. W. JOHNS, *Hastings' Dictionary of the Bible*, Extra Vol., p. 584, New York, 1906.

³ On the social significance of law see Chap. V.

for centuries after the time of its promulgation. It was obeyed not in Babylonia and Assyria only but wherever the empire of Babylonia extended and the influence of Babylonian culture was felt.¹ It therefore, in its very nature, is a revelation of much of the underlying social philosophy and the institutional organization of Babylonia and its environs, particularly that related to its social, economic, and judicial organization.

Although he was one of the relatively early actors in the drama of extensive empires and great cultures, Hammurabi is today one of the best known characters of ancient history. The date lists of his reign show him successively subduing one antagonistic or obdurate city-state after another, including Isin, Larsa, Uruk, Assur, and Nineveh, as well as defeating the Elamites and conquering the whole of Assyria. He was the first to weld a united Babylonian empire out of the various city-states and peoples of the valley. Even in the earlier years of his reign of forty-three years (2130–2087 B.C.) there were frequent periods of peace. But the last nine years, when the entire region was in a state of tranquillity, were the really great years, because they were devoted to construction along a variety of physical and social lines. Not only did he weld his empire into a political unity, but he enlarged and improved the canal system; furnished Uruk and other cities with an abundant water supply; restored temples in various cities that had been destroyed in war; built up Assur and Nineveh; promoted agriculture and commerce and developed various necessary new institutions and agencies incidental thereto; established caravan routes, post roads, and a system of communication similar to our pony express; tried to bring about a happier racial relationship between the Semitic and non-Semitic elements of the population, including the recognition of both the Sumerian and Akkadian languages as official; and revised the empire's judicial system, at the same time effecting various minor reforms. But the crowning achievement of his long career was his codification of the customs, usages, decisions, and laws of the region, made toward the close of his reign.

The code was discovered in January, 1902, by M. J. de Morgan, while excavating the acropolis of Susa, the ancient Persepolis,

¹ A. H. SAYCE, "The Legal Code of Babylonia," *American Journal of Theology*, Vol. VIII, p. 275, 1904.

once the capital of Elam. It originally had been carried to Susa from E-sagila, the Temple of Marduk, in Babylon, a distance of 200 miles, by Shutruk-Nahunte, a conquering Elamite king, in 1176 B.C., as a trophy of war. Among the debris the archaeologists found three large fragments of black diorite. When fitted together they formed a monolithic column nearly eight feet in height and seven in circumference at the bottom, tapering slightly upward. At the upper end of the front side is a bas-relief representing the sun-god Shamash presenting the code of laws to Hammurabi. The remainder of the column is engraved in beautifully cut cuneiform Semitic script and contains 3,614 short lines in 214 columns, with the exception of a space polished smooth supposedly by the conqueror for some inscription of his own which was, however, never made. It forms the longest cuneiform inscription yet recovered. The restored column is now in the Louvre in Paris. The first translation, made in the same year in which the code was found, was by Father Vincent Scheil.¹ Since then many others have been made.

The code is very clearly not a series of arbitrary enactments invented by Hammurabi but a redaction of old partial or local codes and of customs, usages, and decisions of priests, judges, and patesis. Each community of the region had formulated its own laws and administered them according to custom which was already age-old. Thus when the Sumerians conquered the region and settled down in it they observed their own laws, and it is quite likely that they adopted some of those of their predecessors in the country. It is certain that they were greatly influenced by peoples with whom they came in contact. The Sumerians had a code of family laws, some of which are preserved on a very ancient tablet in the British Museum (K. 251).² The various waves of Semitic invaders each brought their own nomad law with them and, as is so typical of customs and laws, adhered to them tenaciously. Thus a hodgepodge of law existed in the region from the earliest times which caused various kings to carry on codifications before Hammurabi's day. Parts of several of these are available. The oldest of these is that of the Sumerian reformer king Urukagina of Lagash (c. 2800 B.C.). Not only did he chasten the unscrupulous upper classes and sweep the corrupt

¹ *Délégation en Perse, Mémoires*, Vol. IV, pp. 11-162, Paris, 1902.

² See BUDGE, *op. cit.*, pp. 120-121.

officials from office, but he also set up a body of laws regulating taxes and fees, protecting the helpless against extortion, providing against the violent alienation of goods or property and also for restitution of the same in case of alienation, prescribing enactments regulating marriage and divorce, and instituting other principles to assure justice and fair treatment for all. He abolished certain old law, added some new, and codified all. There is also knowledge of old Akkadian law going back to the dynasty of Akkad about 2700 to 2600 B.C.¹

The years 2456-2404 B.C. marked the reign of Dungi, king of Ur, another Sumerian ruler, who was the author of a code, popular and widespread in its influence, which drew heavily on Urukagina's. Of this code three tablets have been found, and altogether twenty-six laws of this redaction are known. They prove that this code was the result of a long history of legal decisions which in due time became laws.² Enough consecutive material is available to show that this code was fairly comprehensive and had its laws arranged in groups by subjects. Among the matters dealt with were the care and protection of gardens, the responsibilities of neighbors, slavery, false accusations, property and taxation, marriage and the family, injury to pregnant women, rentals, adoption, and the obligations of oxherds. Much of the material in the Code of Hammurabi is thus seen to be a matter of growth extending over many centuries among both the Sumerian and the Semitic elements of the population. Koschaker goes so far as to maintain that it not only is a compilation of older Akkadian and Sumerian laws but "tends to strike a balance between the two legal systems."³ Hence, as might have been expected, laws belonging to different periods of social advancement exist in it side by side.⁴

¹ P. KOSCHAKER, *Encyclopaedia of the Social Sciences*, Vol. IX, p. 211.

² Cf. S. H. LANGDON, "The Old Sumerian Law Code Compared with the Code of Hammurabi," *Journal of Royal Asiatic Society*, pp. 489-515, October, 1920; *Cambridge Ancient History*, Vol. I, p. 461; see also C. W. H. JOHNS, *Babylonian and Assyrian Laws, Contracts and Letters*, pp. 39-43, London, 1904.

³ *Op. cit.*, p. 213.

⁴ On the backgrounds of the code see also M. JASTROW, JR., "Older and Later Elements in the Code of Hammurabi," *Journal of the American Oriental Society*, Vol. XXXVI, pp. 1-37, 1917; G. A. BARTON, *The Royal Inscriptions of Sumer and Akkad*, New Haven, 1929.

2. The Social Thought and Institutional Lore of the Code.—The code consists of three parts, the prologue, the body of law, and the epilogue. In the prologue Hammurabi describes at length, in a manner not abjectly modest, the benefits that he has conferred on the people, cities, and gods of Babylonia. He mentions over sixty notable acts performed by himself such as preventing the strong from plundering the weak, increasing plenty and abundance, the restoration of cities, rebuilding of temples and sanctuaries, promotion of agriculture, building water-supply systems, collecting the scattered peoples of attacked cities, storing grain, providing sumptuous banquets, and subduing invaders. In several places are also found the statements that he caused righteousness to prevail in the land, destroyed the wicked and the evil, and above all that it was he “who made justice prevail and who ruled the race with right.” It closes with the words, “When Marduk sent me to rule the people and to bring help to the land, I established the law and justice in the language of the land and promoted the welfare of the people.”

The epilogue is a most lengthy one. At its beginning Hammurabi again states his various achievements. He then recites at some length his reasons for providing the code and expresses the hope that all will avail themselves of the opportunities that it offers each individual and the advantages that will accrue from maintaining it among the people.

. . . to pronounce judgments for the land, to render decisions for the land, to give justice to the oppressed, my weighty words I have written upon my monument, and in the presence of the image of me, king of righteousness, have I set up. The king who is preeminent among kings am I. My words are precious, my wisdom is unrivalled.

Let any oppressed man who has a cause come before the image of me, the king of righteousness. Let him give heed to my weighty words! And may my monument enlighten him as to his cause and may he understand his case! May it set his heart at ease.

In the days to come, for all time, let the king who arises in the land observe the words of righteousness which I have written upon my monument! Let him not alter the judgments of the land which I have pronounced, the decisions of the country which I have rendered! Let him not efface my statutes! If that man have wisdom and be able to guide his land aright, let him give attention to the words which I have written upon my monument! And may this monument enlighten him

as to procedure and administration, the judgments of the land which I have pronounced, and the decisions of the land which I have rendered.¹

The epilogue closes in typical Oriental manner with a list of nearly a hundred curses that will be visited on him who ignores or suppresses the code and effaces or alters the statutes.

The laws themselves reveal in their arrangement the habits of system and organization that the complicated civilization had bred in the king's codifiers if not in the population at large. Regulations dealing with the same theme are usually brought together, though there are some exceptions. No consistent system of classification, however, is followed throughout. Sometimes laws are grouped together because they deal with the same crimes or legal questions, but more commonly because they concern the same class or profession.²

The first five laws (§§1-5) deal with false accusation, false witness, and reversal of judgment on the part of a judge.

§1. If a man accuse a man and charge him with murder but cannot convict him, the accuser shall be put to death.

§3. If a man, in a case [before the court], offer testimony concerning deeds of violence and do not establish the testimony that he has given—if that case be a case involving life, that man shall be put to death.

The careless judge was severely dealt with.

§5. If a judge pronounce a judgment, render a decision, deliver a sealed verdict, and afterward reverse his judgment, they shall prosecute the judge for reversing the judgment which he has pronounced, and he shall pay twelve fold the damages which were [awarded] in said judgment; and publicly they shall expel him from his seat of judgment, and he shall not return, and with the judges in a case he shall not take his seat.

¹ Trans. by D. D. LUCKENBILL, Appendix II of J. M. POWIS SMITH, *The Origin and History of Hebrew Law*, University of Chicago Press, Chicago, 1931.

² Various translations of the code into English are available. Among these are R. F. HARPER, *The Code of Hammurabi*, Chicago, 1904; R. W. ROGERS, *Cuneiform Parallels to the Old Testament*, pp. 398-465, New York, 1912; C. H. W. JOHNS, *Babylonian and Assyrian Laws, Contracts and Letters*, pp. 44-99, Edinburgh, 1904; C. EDWARDS, *The Hammurabi Code*, London, 1921. The translation used here will be that of Luckenbill, referred to above.

The next group (§§6-25) consists of laws concerned with theft, including kidnaping of children, the aiding or harboring of fugitive slaves, housebreaking and brigandage, and stealing at a fire. Receiving stolen goods is a capital offense.

§7. If a man purchase silver or gold, manservant or maidservant, ox, sheep, or ass or anything else from a man's son or from a man's servant without witnesses or contracts, or if he receive [the same] for safekeeping, that man is a thief; he shall be put to death.

The theme of §10 is similar to this. The gradation of the penalty for theft from or injury to different classes is found throughout the code.

§8. If a man steal ox or sheep, ass or pig, or boat—if it belonged to god or palace [nobility], he shall pay thirty fold; if it belonged to a common man, he shall restore tenfold. If the thief have nothing wherewith to pay, he shall be put to death.

The penalty for kidnaping was death.

§14. If a man steal a man's son who is a minor, he shall be put to death.

One aiding slaves to escape or harboring fugitive slaves is also to be put to death (§§15, 16). Another interesting feature of the code is that if the robber or brigand is not captured, the loss of the victim is made good by the state.

§22. If a man practice brigandage and be captured, that man shall be put to death.

§23. If the brigand be not captured, the man who has been robbed shall establish the amount of his loss before the god, and the city and the governor in whose land or border the robbery was committed shall compensate him for whatsoever was lost.

§24. If there were loss of life, the city and governor shall pay one mina of silver to his heirs.

One who steals at a fire shall be thrown into the fire (§25).

In another series (§§26-41) the duties and privileges of soldiers, constables, and tax collectors are set forth, as are also the property arrangements in case of capture or death and the nature of the rewards for substitutes. Failure to follow orders, accepting bribes, or malfeasance of duty means death throughout. One who quits his property and flees the country to avoid military

service loses his property if he is away three years; if he returns after a year and performs his service, his property will be restored to him (§§30, 31). No feudal property may be given away or assigned for debt, but purchased property may (§§37-39).

The next division (§§41-66) deals with land ownership and land usage and includes the responsibilities of farmers, tenants, herdsman, and gardeners. The lazy tenant must pay his rent none the less.

§42. If a man rent a field for cultivation and do not produce any grain in the field, because he has not performed the necessary work on the field they shall convict him, and he shall give to the owner of the field grain on the basis [of the yields of the adjacent (fields)].

Sections 43 and 44 deal with other details of the relation of the landowner and the lazy tenant. If a field be inundated and the crop destroyed, the loss is the tenant's, and he has no rent to pay (§§45, 48). If any of the crop remains, it shall be shared according to the contract.

§48. If a man owe a debt, and Adad [the storm-god] inundate the field or the flood carry the produce away, or, through lack of water, grain have not grown in the field, in that year he shall not make any return of grain to the creditor; he shall alter his contract-tablet, and he need not pay the interest for that year.

The careless property owner shall make full restitution for damages caused by his failure to act (§§53, 54). The same holds good for damages caused by the sheep of the careless shepherd (§§57, 58) and the man who is careless in an orchard (§59).

§53. If a man neglect to strengthen his dike, and do not strengthen his dike, and a break be made in his dike, and he let the water carry away the farmland, the man in whose dike the break has been made shall restore the grain which he has damaged.

§54. If he be not able to restore the grain, they shall sell him and his goods, and the farmers whose grain the water has carried away shall divide the results of the sale.

Sections 60-65 deal with the responsibilities of orchard managers and the system of payments for services rendered.

Sections 66-69 were the portion erased by the Elamite king on the original column, but most of the laws of that portion are known from the clay tablets containing duplicate texts of the

code. This section deals with the rights and duties of gardeners, the letting of houses to tenants, grain and money loans and the relationships of a merchant and his agents or traders. This later subject, with special emphasis on the money loaned to the trader to carry on his business and its use, return, and theft, is covered in §§99–107. Sections 108–126 deal with further commercial arrangements. A barmaid who overcharges or gives short measure is thrown into the water (§108). If a wine-shop [brothel] keeper allows disorderly or antilegal conduct in her house, she receives the death penalty.

§109. If outlaws hatch a conspiracy in the house of a wine-seller, and she do not arrest these outlaws and bring them to the palace, that wine-seller shall be put to death.

If a man accepts goods for transportation and then appropriates it for himself, when caught he must restore to the owner fivefold (§112). Sections 117–126 constitute debt and deposit regulations.

One lone section (127) makes the slander of a woman which cannot be proved an offense punishable by having the hair of the forehead cut off or by branding, as one translation puts it.

This section is followed by one of the most important divisions of the code, namely, the one laying down the regulations regarding marriage contracts; adultery; rape; divorce and separation; concubinage; type of immorality, particularly incest; marriage settlements; the property of women; the different forms of inheritance; and the adoption of children (§§128–193).

A definite marriage contract was legally essential. "If a man take a wife and do not draw up a contract with her, that woman is not a wife" (§128). Several statutes deal with adultery. An adulterous wife and her paramour are bound and thrown into the water. But if the husband spare his wife, the king shall spare the man (§129). If a man rape a virgin, he shall be killed, but she is without fault (§130). If a man falsely accuse his wife of adultery, "she shall return to her house" (§131); if others accuse her, for her husband's sake, she shall submit to the ordeal by water (§132).

Several laws involve the behavior of the wife when her husband is captive or has deserted her. If the man is captive, but his wife is well provided for, and she enter into another man's house and give herself to him, she shall be thrown into the water

(§133). If the man has left no provision, the wife is without fault—she is entitled to support (§134). If the man return after captivity, under the conditions just mentioned, the wife and any children she has borne in the interim shall be his (§135). If a man desert his wife and city, the wife is no longer his, and she need not return to him (§136).

The subject of divorce, including grounds and financial settlements, occupies several laws (§§137–143). If a man divorces a wife who has borne him children, she shall receive back her dowry and also her portion of “field, garden, and goods,” to enable her to bring up the children (§137). If the wife has borne no children “he shall give her money to the amount of her marriage settlement, and he shall make good to her the dowry which she brought from her father’s house” (§138). “If there were no marriage settlement, he shall give to her one mina of silver for a divorce” (§139). “If he be a common man, he shall give her one to three mina of silver” (§140). When the wife is seriously at fault the husband may divorce her without payment of any kind; under any conditions she loses status as wife.

If the wife of a man who is living in his house set her face to go out, playing the fool, ruining her house, and belittling her husband, they shall convict her; if her husband announce her divorce, he may put her away. [For] her journey [home] no alimony shall be given to her. If her husband do not announce her divorce, her husband may take another woman. That woman [the first wife] shall dwell in the house of her husband as a maidservant (§141).

A wife also had the right to divorce her husband.

If a woman hate her husband and say, “Thou shalt not have me,” her past shall be inquired into for any deficiency of hers; and if she have been careful and be without past sin and her husband have been going out and greatly belittling her, that woman has no blame. She shall take her dowry and go to her father’s house (§142).

But if she has not been careful and has been guilty of unwifely conduct, and apply for a divorce, “they shall throw that woman into the water” (§143).

The laws regarding concubines are fairly numerous (§§144–148) and indicate that the practice of employing them for various purposes was widespread. A man whose wife provides him with a concubine to bear children for her may not take one of his own

(§144). If the wife is childless and does not provide a concubine for her husband, he may take one, but she can never have precedence over the wife (§145). An upstart concubine may be reduced to slave status by the wife (§146). If she has borne no children, the mistress may sell her for money (§147). If a wife become diseased, the husband may take a concubine, but he shall maintain his wife as long as she lives (§148). If she wishes to go to her home, she shall receive back her dowry (§149). Property and debt settlements of husband and wife are briefly treated in three laws (§§150–152). This group is concluded with this significant law:

If the wife of a man bring about the death of her husband because of another man, they shall impale that woman [§153].

The subject of incest within various hereditary and contracted relationships is treated at some length in the code (§§154–158), the penalties varying from expulsion from the city for a man having incestuous relations with his daughter to burning for both when widowed mother and son have sexual intercourse.

Sections 159 to 164 dispose of the subjects of the dowry and marriage settlements as affected by different types of property settlement and also by breaches of contract.

The subject of inheritance of property as it applies to children, concubines, the children of concubines, the children of slaves and free women, a daughter who becomes a nun or priestess or palace woman, and a daughter who becomes a concubine is extensively treated in §§165 to 184, indicating a great devotion to property. The estate left by a father shall be divided among the sons whom he had not yet set up for themselves (§165). When only the youngest son is unmarried at the death of his father the older sons shall give him not only his share of the estate but also money for a marriage settlement, so that he may marry (§166). Children of the first and second wife of a man shall inherit the common father's estate equally (§167). If in the opinion of the judges a father was not justified in disinheriting his son, the latter shall receive the property due his sonship (§168). Even a first offense worthy of disinheritance shall be condoned (§169). If a man recognizes the children of a concubine as his children, they and the children of his legal wife shall share the estate equally (§170). If he has not recognized the concubine's children as legal children,

they and their mother will be free at the man's death (§171). A legal widow cannot be evicted from her husband's house (§§171, 172). The dowry of a woman who has divorced her first husband and married a second is divided equally between the children of her first and second marriage (§§172A, 173). If she have no children by the second husband, the children of the first receive the dowry (§174).

The children of a slave who marries a free woman are not slaves (§175). When such a free woman's slave husband dies, she shall receive back her dowry, and

they shall divide into two parts whatever her husband and she had acquired from the time they joined hands; the owner of the slave shall receive one-half, and the daughter of the man one-half for her children [§176].

If a father gives his daughter who has become a nun, a priestess, or a palace woman permission to do with her inheritance as she pleases, no one may say her nay when she does so upon his death (§179). But if he has not given her this discretion, she is subject to such disposition of her share of the paternal estate as her brothers may dictate (§178). But she must be given a share (§§180, 181), though upon her death it belongs to her brothers. If she has been given no dowry by her father before his death, she shall receive only one-third of the portion of a son (§§181, 182).

Sections 185 to 193 are concerned with adoption of children, evidently a common practice.

If a man . . . take a young child for sonship [*i.e.*, adopt him] and rear him, one may not bring claim for that adopted son (§185).

Undue influence may not be used on parents to have them give up their son for adoption (§186). If a man does not teach his adopted son his handicraft, his actual father may reclaim him (§189). Furthermore,

If a man do not reckon among his sons the young child whom he has taken for sonship and reared, that adopted son may return to his father's house (§190).

A man may not cut off an adopted son from sharing in his estate. He shall give him one-third the portion of a son (§191). If an adopted son of a chamberlain or a palace woman say, "Thou

art not my mother," they shall cut out his tongue (§192). If he discover his true parents and turn against his adopted parents who have faithfully reared him, "they shall pluck out his eye" (§193). Section 194 deals with the careless nurse. If through carelessness the child left in her care die, and she substitute another without the consent of the father and mother, "they shall cut off her breast."

The next group of laws (§§195-214) relates to penalties for assault and battery and for homicide. The *lex talionis*, graded according to class, prevails throughout.

If a son strike his father, they shall cut off his hand (§195).

If a man destroy the eye of another man [a patrician], they shall destroy his eye [§196].

If a man break a man's bone, they shall break his bone (§197).

If he destroy the eye of a common man [a working man] or break a bone of a common man, he shall pay one mina of silver [§198].

If he destroy the eye of a man's slave or break a bone of a man's slave, he shall pay one-half his price [§199].

The same principle obtains for various other blows and offenses against the body or person. A man is responsible for unintentional damages to another.

If a man strike [another] man in a quarrel and wound him, that man shall swear, "I did not strike him intentionally," and he shall be responsible for the physician (§206).

If a gentleman die as the result of an unintentional blow, the striker shall pay one-half mana of silver and, if a common man, one-third mana (§§207, 208).

If a man strike the daughter of a man [patrician] and bring about a miscarriage, he shall pay ten shekels of silver for her miscarriage, [§209].

If she dies, then daughter for daughter. If the woman suffering the miscarriage is the daughter of a commoner or is a maid-servant, the penalties in either case are appropriately reduced (§§211-214).

Fixed fees, graded according to class, prevailed for physicians. For a major operation on a patrician the physician received ten shekels of silver, on a commoner five shekels, and on a slave two shekels from his owner (§§215-217). Vastly more significant

was the fact that the physician was severely punished for bungling an operation.

If a physician make a deep incision upon a man with his bronze lancet and cause the man's death, or operate on the eye socket of a man with his bronze lancet and destroy the man's eye, they shall cut off his hand (§218).

If by his operation he cause the death of a slave, he shall restore to the owner a slave of equal value (§219). The same principles are operative for other forms of medical attention (§§220-223) and apply also to the services of veterinary surgeons (§§224, 225). Barbers who make slaves unrecognizable by their haircuts are severely punished if their act is done knowingly (§§226, 227).

Fixed wages for builders also exist (§228). One of the most remarkable laws in the code makes the builder responsible for the stability of his structure,

If a builder erect a house for a man and do not make its construction firm, and the house which he built collapse and cause the death of the owner of a house, that builder shall be put to death (§229).

If the house in falling kills the son, the builder's son shall be killed (§230); if a slave, the builder shall give a slave (§231). Moreover, he shall produce, at his own expense, a firm house for the collapsed one (§232). Any necessary strengthening or repair of the house shall be at the expense of the builder (§233). The same principles apply to the builder of boats (§§234, 235). If a boatman loses a rented boat, he shall replace it to the owner (§236); if he lose another man's cargo, he must restore any portion sunk (§237). There are also provisions for damages in case of collision of boats (§240).

Another series of laws (§§241-277) deals with economic matters, such as the renting of oxen, the responsibility for loss of rented animal or article, together with tariffs of wages and charges for the use of draft animals and carts. Throughout, such principles as the following persist: The renter is responsible for the piece of property while he is using it, even to the extent of full restoration in case of loss or damage to the animal or article; workmen are severely punished for stealing property entrusted to them, *e.g.*, seed, sheep, or ploughs; wages are fixed;

the owner must accept losses due to a "visitation of God"; herds-men must make good losses of stock through disease spread by their carelessness. Interesting indeed is §274 in which the wages of a variety of artisans—baker, tailor, lapidary, silversmith, carpenter, leatherworker, basket maker, and mason—are specifically set forth. Sections 244–251 are concerned with injuries to oxen and the case of the goring ox, also treated in Exodus 21:28–36.

The code concludes with a group of five sections (§§278–282) on the sale of slaves and the mutilation of a slave who denies his master. All but the last govern the void or invalid sale of slaves. The last law involves the renunciation of his master by a slave.

If a male slave say to his master, "Thou art not my master," his master shall prove him to be his slave and shall cut off his ear [§282].

3. Summary of the Code.—Certain generalizations and principles of outstanding importance grow out of an examination of the code. The collection is distinctly a civil code; it contains no religious or ceremonial regulations. Crime is an offense against the state, which punishes it with merciless but impartial justice. The placement of the god Shamash at the head of the stele is merely a concession to the ancient fictions or attitudes of thought.

This, in turn, points to the existence of centralized power and well-organized social control. The code not only shows a highly organized legal system but also suggests a judicial organization and a corps of responsible enforcing officials. It implies the ability to deal with complex social, economic, and political matters through this central agency. It contains indirect reference to a broad system of social control, including law, religion, established classes, an involved family system, a varied mass of custom, personal prestige, and group ideals, enforced by public opinion as well as by statute and the other political institutions. These were potent agencies by means of which the individual was both persuaded and forced into conformity with the requirements of group order. Both the centralized power and the diversified social control imply a highly developed social consciousness, a willingness to abide by established authority, a self-respect and control of self, and a rather general recognition of the necessity of getting along in an orderly and cooperative manner.

Caste and status are imbedded in the code. Babylonian society was pyramidal, with social control mediated from class to class. This system served the political and economic needs of the time, subordinating groups, transmitting a unifying authority, and providing a scheme of penalty and award. At the apex was the king. His class was known as the *amelu*—patricians, nobility, gentlemen—consisting probably of the governors, nobles, the officers and ministers of state, the priests, the gently educated, the large landed proprietors, the bankers and large merchants. They were the ruling class and lived in *ekallu* or “great houses.” The *amelu* had aristocratic privileges and liabilities, and the right to exact retaliation for corporal injuries, but he also bore the burden of heavier punishment for crimes and misdemeanors with higher fees and fines to pay. The *mushkinu*—commoners, plebeians, middle class—were probably the tradesmen and artisans, the tenant-farmers under the *métayer* system, and the free wage-earning population. They were free men, but had to accept monetary compensation for injuries and paid smaller fees and fines. They owned slaves and goods. The broad base of the social pyramid consisted of the *wardu*—slave, chattel, or “head”—who were owned by both *amelu* and *mushkinu*. They were used to do most of the work in house and field and constantly changed hands by sale, bequest, or when temporarily pledged for debt. These slaves in Babylonia could, however, acquire property and even hold other slaves. Their masters fed and clothed them, paid their doctor’s fees, but took all compensation for injury done them. They were usually given a slave girl as wife but could marry free women, and in the latter case the children were free. Slaves could acquire wealth, from which the master took his share, and purchase their freedom. Slave girls were taken as concubines, and their sons often were accepted as patricians. The distinction of classes in the fixing of fines and punishments is characteristic of the code throughout. The illegality of an act was always regarded as of higher or lower severity corresponding to the difference in rank of the victims. The code could not dissociate the act either from the actor or from the one who suffered through it.

Both the code and the numerous contracts and other business documents found show that Babylonia was a great trading and agricultural community, in an advanced stage of civilization.

All economic activities and institutions were minutely regulated. The land was partly in the form of the king's estates and partly in the form of private property. Various ways of disposing of property were recognized, such as sale, lease, barter, gift, deposit, loan, and pledge, all of which were matters of contract, substantiated by the proper documents or oath of witnesses. Land might be farmed by the owner, by an employee, or by a tenant. Rentals, both land and all kinds of chattels, subject to a variety of qualifications and conditions, are minutely set forth. While the land laws usually favor the landlord, a fine spirit of justice prevails, as, for example, in the case (§48) where no interest need be paid when storm or drought destroyed the crop. Twenty-four laws relate directly to agriculture, and many others indirectly. Distinct provisions are made for all ordinary exigencies. Twenty-three laws, strikingly similar to the principles prevailing in the present Western world, cover the inheritance of property. Exact rules controlled all who took property of others into their custody, as, for example, traveling agents in charge of caravans, boatmen with cargoes, shepherds and other herdsmen with other men's livestock. Receipt had to be given for goods or stock received, and all losses had to be made good, except where these were due to "acts of God." The price of all labor, including that of skilled craftsmen, was specifically fixed by law.

In the field of criminal law the *lex talionis* prevailed among equals, and a system of graded fixed compensations among unequals, depending on the respective class of actor and victim. Death was freely awarded for various forms of theft, brigandage, disorder, shirking of state service, and criminal negligence. Specified forms of the death penalty, as impaling, burning, or drowning, were inflicted for certain crimes. Exile was inflicted for incest within certain degrees, and disinheritance for repeated unfilial conduct. Fines were widely used as compensation, and penalty for a great variety of offenses.

Carelessness, neglect, and inefficiency were severely punished. The careless irrigator had to pay for damages done by overflowing ditches. The unskillful surgeon's mistakes might cost him the loss of his hands or heavy fines. The careless or grafting builder of houses or boats, the inefficient veterinarian, the lazy or careless boatman or shepherd, all were required at least to make complete compensation for losses attributable to them.

Incidentally the prominence of physicians and the semi-scientific practice of medicine in Babylonia are revealed by a total of fifteen laws, most of which are, however, concerned with the fixing of fees for different services and for patients of different social standing.

Marriage and the family are treated at length, almost one-fourth of the code applying to these institutions. Marriage is a matter of contract and decidedly commercial or financial in its nature, involving always a dowry and usually also a bride price or "marriage settlement." Divorce for cause was possible by either husband or wife, always accompanied by the appropriate readjustments of property, dowry, bride price, and occasionally, under specific conditions, by alimony. Adultery and incest were variously punished depending upon circumstances and degrees of relationship. While monogamy prevailed, concubinage was not uncommon. The children of concubines were frequently legitimized. Responsibility was fixed upon the man for the support of his wife and children. Inheritance was highly developed. Adoption was adequately safeguarded against abuse. Progeny were the primary objective of marriage.

The position of women was unexampled in antiquity. The wife was always mistress of the dowry that she brought and could spend her money as she pleased. The unsupported or deserted wife was free to acquire a husband capable of supporting her. Women had the right of divorcement. The contract tablets and other legal documents show that women invested their money and sold estates and slaves, lent money on interest, and even went to law in their own names. They could become scribes, even members of judicial bodies, and own and manage businesses of their own.

The impression one receives is that everything is absolutely and specifically regulated. While the regulations are harsh and severe in certain respects, and always direct and unbending, they are by no means lacking in humanitarian considerations. For example, bodily injury inflicted in a quarrel without intent or an accidental blow that causes a miscarriage does not carry the full penalty. Justice is tempered with reason, if not with mercy. The code is characterized by a despotic, and yet on the whole beneficent, paternalism. It constitutes the enactments of a strong and imperious ruler who is guided by a surprisingly

high sense of justice and dominated by the finest social, ethical, and political motives to which the civilization was heir and that the complex conditions permitted. It is the law code of a great secondary group, composed of culturally and racially diverse peoples in impersonal relations. Thus both its humanitarianism and its justice are legal and not personal.¹

III. THE WISDOM LITERATURE

The active commercial and political life of Babylonia unavoidably led to thought along legal and administrative lines and to the development of commercial instruments and legal and political institutions. The great mass of the thousands of inscriptions and tablets which have come from the ruins of the Tigris-Euphrates valley are devoted to these aspects of life. There is evidence, nevertheless, based on a comparatively small number of examples, of wisdom literature; evidence that occasional individuals were thinking about their more informal personal conduct, their daily relations with and duties toward their neighbors, and also occupied themselves with more abstract thinking along the lines of social ethics. Among these fragments are partial lists of proverbs, maxims, aphorisms and admonitions, statements of purity and excellence, some criticism of social practices, and bits of sober contemplation about life which no student of social thought can afford to miss. As in Egypt and throughout the Orient, many of these were doubtless used in instructing the pupils in the schools of the scribes.

While the sage, who did much of this thinking, was not so important in Babylonian life as a whole as the military leader, the lawgiver, the trader and banker, or even the magician or priest, he did function as thinker and teacher. On the back of one of the Creation tablets is this reference to the wise man:

¹ For excellent summarizing treatments of the code see R. C. THOMPSON, *Cambridge Ancient History*, Vol. I, pp. 516-528; M. JASTROW, JR., *The Civilization of Babylonia and Assyria*, pp. 283-316; C. W. H. JOHNS, *Hastings' Dictionary of the Bible*, Vol. V, p. 584ff.; C. W. H. JOHNS, *The Oldest Code of Laws in the World*, pp. 1-59; C. J. GADD, *Encyclopedia Britannica*, 14th ed., Vol. II, pp. 862-864; A. H. SAYCE, "The Legal Code of Babylonia," *American Journal of Theology*, Vol. VIII, pp. 256-266, 1904; C. F. KENT, "The Recently Discovered Civil Code of Hammurabi," *Biblical World*, Vol. XXI, pp. 175-190, 1908; G. E. VINCENT, "The Laws of Hammurabi," *American Journal of Sociology*, Vol. IX, pp. 737-754, 1904.

Let the elder enlighten,
 Let the wise, the learned, meditate together,
 Let the father rehearse, make the son apprehend.

Practically all of the actual tablets on which this wisdom literature is found are from the famous library at Nineveh of Ashurbanipal, Assyrian conqueror, who reigned in Babylon as King Kandalanu (647-626 B.C.). To him all later ages owe an eternal debt of gratitude for the great work of collecting the ancient literary treasures of Babylonian civilization. Many, perhaps most, of the writings go back to much more ancient times. A goodly number are traced back to Hammurabi's era, perhaps occasionally to collectings and editings under his auspices, and some have their origins back in ancient Sumerian and Semitic culture. Langdon states, "It is not at all unlikely that profound wisdom of this kind was current in the Babylonian schools as early as 2300 B.C. or the period of Isin, Larsa, and Babylonian dynasties.¹ With the advances of archaeology in the Tigris-Euphrates valley our knowledge of Babylonian wisdom literature is slowly increasing. In due time we may possess enough of it to enable us to know it in all its various aspects.

1. A List of Admonitions.—A magnificent fragment is the following collection of admonitions. The text, though not the specific copies, Langdon believes, goes back to Hammurabi or earlier, while the thought he maintains to be of Sumerian origin.² A copy from Ashurbanipal's library yielded two versions, while a third, written in neo-Babylonian, is also known.³ Incidentally in it is found the great thought that recurs in practically all of the world's significant cultures: "Recompense evil with good." The

¹ S. H. LANGDON, "Babylonian Proverbs," *American Journal of Semitic Languages and Literature*, Vol. XXVIII, p. 218, July, 1912.

² S. H. LANGDON, *Babylonian Wisdom*, pp. 88-92, London, 1923.

³ British Museum K. 3364, K. 7897, K. 8282; see L. W. KING, *Cuneiform Texts of the British Museum*, Vol. XIII, pp. 29-30; H. Macmillan, *Some Cuneiform Tablets Bearing on the Religion of Babylonia and Assyria*, No. 2, in *Beiträge zur Assyriologie*, Vol. V, pp. 531-712; R. W. ROGERS, *Cuneiform Parallels to the Old Testament*, pp. 175-178, New York, 1912; M. JASTROW, JR., *The Civilization of Babylonia and Assyria*, pp. 464-465, Philadelphia, 1915; LANGDON, "A Tablet of Babylonian Wisdom," *Proceedings of the Society of Biblical Archaeology*, pp. 105-116, 131-138, 1916; BUDGE, *op. cit.*, pp. 153-155.

collection reminds one somewhat of the Wisdom of Jesus, Son of Sirach.

Thou shalt not slander—speak what is pure!
Thou shalt not speak evil—speak kindly!
He who slanders and speaks evil,
Shamash [god of justice] will visit it on thy head.

Do not speak boastfully—guard thy lip.
If in anger—do not speak out.
Speaking in anger, thou shalt regret it later
And in silence nurse thy sadness.

Speak not evil of thy friend and companion;
Do not speak meanly—speak what is kindly!
If thou promisest, give what thou has promised.
If thou has encouraged him, leave him not afterwards at loss.

On the reverse of the tablets are found the statements

Their [the members of one's household] shalt thou not take away,
Thou shalt not tyrannically oppress them.
With one who thus acts, his god is angry,
He is not pleasing to Shamash; he will requite him with evil.

Give food to eat, give wine to drink,
Seek the truth, avoid what is wrong.
With him who thus acts, his god is pleased,
He is pleasing to Shamash; he will requite him with good.

Be helpful and kind to the servant.
The maid in the house do thou protect.
In the mouth of the people thy reputation thus shalt be wholesome.

Render aid and be merciful always.¹

To these the translation by S. H. Langdon adds the following choice passages:

Force not thyself into an assembly of men to tarry there, and seek not
out the place where there is contention.
For in the strife they will compel thee to come to a division [*i.e.*, to take
a side],

¹ Translation thus far by L. W. King.

Thou wilt become involved in their seeking for testimony,
And in a case with which thou hast nothing to do they will drag thee
forward as a witness.

Harm not in any way thine adversary.
Recompense the man who doeth evil to thee with good.
Oppose thine enemy with righteous dealing.

Marry not the strange woman [harlot] whose lovers are many.
The maiden of Ishtar [temple prostitute] whose person is dedicated to the
goddess,
The woman servant of the temple whose strength [speech] is abundant,
Will never be a support to thee in thy misfortunes,
In thy fighting she will exert herself against thee.
Reverence and obedience [or submission] exist not in her.
If she entereth thy house, lead her out,
For her mind is set upon the path of the stranger.
Finally, the house into which she setteth her foot is destroyed, and the
man who hath married her will remain unhappy.¹

This work reveals a high level of morality and a profound practical social wisdom.

2. A Babylonian Pessimist.—Another tablet from the ninth century B.C. carries a theme which also undoubtedly is much older. The sage, a Babylonian Koheleth, arrives at the pessimistic conclusion that the rich and the evildoers alone are fortunate. Perhaps, therefore, they are really the wise. At any rate, men worship riches and folly and will not learn otherwise.

The powerful man is wise and a possessor of discretion,
The heart of God is as far removed as the centre of heaven;
His might is felt in heaviness, yet men will not learn.
All the handiwork of the goddess Aruru [a mother and earth-goddess] is
but a breath of air.

The son of a prince is in all respects preferred.
The fool begets a son of renown;

The strong and brave begets one whose name is altered.
So be it. Why should I bemoan, O God? Men will not be taught.
Heed then, my friend, give ear to my counsel,
Guard the choice speech of my wisdom.

Men prize the word of the man of note who hath learnt to slay,
Men belittle the weak who have no sin.

¹ *Babylonian Wisdom*, pp. 88–92.

Men testify for the wicked to whom crime is righteousness;

Men drive out the upright man, who seeks the advice of God.

Men give full measure of precious metal for him whose name is robber;

Men plunder the income of him whose sustenance is scanty.

Men give power to the victorious whose gathering is crime;

Men destroy the weak and smite the feeble.

Me too, enfeebled as I am, do the great ones persecute.

The piece ends with the reflection that, in the end, for rich and poor alike comes the "secret of death." The face grows pale, and the journey over the river of the dead must be undertaken. But even this certainty does not affect the foolishness of mankind, who continue to worship the idol of riches.¹

3. An Incantation with High Social Motives.—A tablet going back to the period 2100–1100 B.C. contains most of an incantation, intended to remove bans and curses of all kinds, through ritualistic utterances and ceremonies. The sufferer asks the priest to intercede with the god in his behalf and discover the lapses of behavior responsible for his misfortune. The questions most clearly social in their implications are included herewith. They indicate that in Babylonia, as well as in Egypt, as early as 1500 B.C. there existed a formulated list of obligations, fully half of them social in nature. In spirit this list is similar to the Egyptian *Negative Confessions*. An occasional line, due to wear, cannot be deciphered. The priest asks in behalf of the suppliant:

Has he spoken evil?

Has he spoken hatefully?

Has he spoken unlawfully?

Has he . . . bribery caused a judge to receive?

Has he upon the fallen trampled?

.

Has he set a son at variance with a father?

Has he set a father at variance with a son?

Has he set a daughter at variance with a mother?

Has he set a mother at variance with a daughter?

Has he set a daughter-in-law at variance with a mother-in-law?

¹ See T. ERIC PEET, *A Comparative Study of the Literatures of Egypt, Palestine and Mesopotamia*, pp. 125–126, by permission of the British Academy and the Oxford University Press, London, 1931; B. MEISSNER, *Die Babylonische-Assyrische Literature*, in the series *Handbuch der Literaturwissenschaft* (Wildpark), Potsdam, 1927; A. JEREMIAS, *Babylonische Dichtungen, Epen und Legenden*, pp. 14–15, Leipzig, 1925.

Has he set a mother-in-law at variance with a daughter-in-law?
 Has he set a brother at variance with a brother?
 Has he set a friend at variance with a friend?
 Has he set a companion at variance with a companion?
 Has he not set free a prisoner or loosed a captive?
 Has he not let a prisoner see the light?
 Has he said of a prisoner [captive], "Seize him," or of a bondman,
 "Bind him"?

Is it offense against . . . hate against an older brother?
 Has he despised father and mother; has he insulted an elder sister?
 Has he yielded in little things [and] refused in great?
 For No, said Yes?
 For Yes, said No?
 Has he spoken an unsuitable word; has he a rebellious . . . ?
 Has he spoken coarsely?
 Has he used false weights . . . ?
 Has he accepted counterfeit money; has he not accepted good money?
 Has he driven out a righteous son; has he an unrighteous son set up?
 Has he set up a wrong landmark; has he not set up a right landmark?
 Has he entered his neighbor's house?
 Has he approached his neighbor's wife?
 Has he shed his neighbor's blood?
 Has he taken away his neighbor's garment?
 Has he not set a man free from force?
 Has he driven away a brave man from his family?
 Has he broken up a united family?
 Has he lifted himself up against a superior?
 Was his mouth straightforward, but his heart false?
 Did his mouth consent, but his heart deny?
 Is it on account of evil which he thought?
 To pursue the just and oppress him,
 To destroy, drive away, cast down,
 To set up power, to stir up, to cause to speak against,
 To do evil, to rob, to cause to rob,
 To busy himself with evil?
 Is his mouth loose and foul?
 His lips are they deceitful, contentious?
 Has he taught impurity; unseemliness commended?
 After evil has he followed?
 Has he exceeded the bounds of right?¹

¹ From *Cuneiform Parallels to the Old Testament* by Robert W. Rogers, copyright 1926, by permission of The Abingdon Press; ROGERS, *Religion of*

4. "Eat, Drink, and Be Merry."—Gilgamesh, the great Babylonian mythical hero, comes to a maiden Sabitu, who is pictured as dwelling by the sea. She proclaims to the hero, who is low in spirit, the philosophy found somewhere in the literature of every people. This rendition goes back to about 2000 B.C.

O Gilgamesh, why dost thou run in all directions?
 The life that thou seekest thou wilt not find.
 When the gods created mankind,
 They determined death for mankind;
 Life they kept in their hands.
 Thou, O Gilgamesh, fill thy belly,
 Day and night be thou merry,
 Daily arrange a merry-making,
 Day and night be joyous and content!
 Let thy garments be pure [*i.e.*, a sign of joy]
 Thy head be washed, wash thyself with water!
 Regard the little one [*i.e.*, your child], who takes hold of thy hand,
 Enjoy the wife [lying] in thy bosom.
 Peaceably do your work.¹

5. **Proverbs.**—Parts of a bilingual book of proverbs, written in both Sumerian and Babylonian, have been found which are confidently thought to go back to the first Babylonian dynasty. They may, of course, be much older than this, since they were apparently originally written in Sumerian and then translated into Semitic (Babylonian). The lists, from which those below have been selected, were arranged as reading lessons for students.

A hostile act thou shalt not perform, that fear of vengeance shall not consume thee.

Does a woman conceive when a virgin or grow great without eating?²

Babylonia and Assyria, pp. 157 ff., New York, 1908; M. JASTROW, JR., in *The Sacred Books and Early Literature of the East*, Vol. I, pp. 249–250, New York and London, 1917; H. ZIMMERN, *Die beschwörungstafeln Shurpu*, Leipzig, 1901.

¹ The thought of this, even the phrases in parts, are identical with *Eccles.* 9:7–9.

² Another translation runs, "Without copulation does a woman conceive, and without eating does she become corpulent?" A parallel proverb states, "Copulation supplies milk to give suckle." S. H. Langdon says, "The point of this proverb appears to be that procreation must precede birth and the nursing of children. Both of the proverbs . . . are probably aimed at the indolent wives of Babylonia who sought after luxury and

Though I toil they take away from me, and though I toil even more and more, who repays me?

[He that says] "Oh, that I might take revenge and even add to it more!" is like unto a man that draws water from a well in which there is no water and rubs his skin without anointing it.

He has dug a well where no water is; he has raised a husk without kernel.

The strong live by their own wages; the weak by the wages of their children.

He is altogether righteous and good, yet he is clothed in rags.

My knees go, my feet are unwearied; but a fool has cut into my course.

His ass I am; I am harnessed to a mule; a wagon I draw; to seek reeds and fodder I go forth.

The life of yesterday, it is every day the same [*i.e.*, nothing new under the sun].

If the seed corn be not sound, it will not produce verdure and create seed.

The tall grain thrives, but what do we understand of it? The meager grain thrives, but what do we understand of it?

The city whose weapons are not mighty—from before its city gate the foe shall not be warded off.

If thou goest and takest the field of an enemy, the enemy will come and take thy field.

Upon a glad heart oil is poured out of which no one knows.

Friendship is for the day of trouble; posterity for the future.

Friendship in days of prosperity is servitude forever [or Enter into a friendship the very first day and thou dost thereby deliver thyself into everlasting servitude].

Writing is the mother of eloquence and the father of artists.

If there be strife in the abode of relations, there is eating of uncleanness in the place of purity [meaning strife in a family is compared to defiling a holy place with filth and calumny].

Strife you find among the servants, gossip among barbers.

Be gentle to the enemy as to an old oven.

The gift of the king is the nobility of the exalted; the gift of the king is the favor of governors.

shrank from motherhood, a burden which many left to slave wives. They cannot expect descendants of their own blood without complying with the laws of nature." "Babylonian Proverbs," *American Journal of Semitic Languages and Literature*, Vol. XXVIII, p. 221, July, 1912. Repr. by permission of the University of Chicago Press.

Thou art so offensive that when thou goest into the river the water becomes foul, and when thou goest into the garden the fruit grows bitter.

A drunken man has the strength of a woman.

With disease that cannot be cured and hunger that cannot be stilled, a coffer of silver and a trunk full of gold are not able to restore health or to still hunger.

The ox of an enemy shall eat weeds, one's own ox shall be in fat pasture.

Like an oven which has become old thy changing is difficult [or, it is difficult to change thee].

Words thou shalt not employ falsely.

Evil thou shalt not do, and so an everlasting treasure thou wilt obtain.

If I call unto him, lo! he is one born of woman. If I polish him, lo! he is but unburnt brick.

A joyful [lewd] woman at the gate of the house of a judge—her word prevails over that of her husband.

Once or twice he has made gains; yet he is not content [meaning, The more a man has the more he wants].

By himself he dug and wrought [meaning, If you want a thing done, do it yourself].

The tenant of the farm two-thirds of the produce on his own head to the master of the orchard pays out.¹

IV. LETTERS, CONTRACTS, BILLS OF SALE

The various letters, private as well as official, and the business documents have special interest and value, inasmuch as they reveal the intimate details of Babylonian life, in its public, commercial, and private aspects. The private letters carry requests, news good and bad, and depict personal and family situations and attitudes. The public letters are of a political or diplomatic nature and contain orders to subordinates, proclamations, petitions, and reports. The legal documents are largely concerned with buying and selling, leasing and renting, marrying, giving in marriage, divorce, forming of partnerships, going into bankruptcy, suffering wrong and going to law, granting power of attorney, and willing away and inheriting property.

¹ See LANGDON, *ibid.*, pp. 217-243; S. H. Langdon, *Babylonian Wisdom*, pp. 82-87; G. A. BARTON, *Archaeology and the Bible*, pp. 467-468, Philadelphia, 1927; *Sacred Books and Early Literature of the East*, Vol. I, pp. 246-247, New York, 1917; R. F. HARPER, ed., *Assyrian and Babylonian Literature*, pp. 448-450, New York, 1901.

In short, the struggles and achievements, disappointments and sorrows, loves and hates are all mirrored here. Some of the clay tablets forming these different types of documents go back at least to the time of Dungi (2456-2398 B.C.).¹ Since thousands upon thousands of tablets of this type are now available, only a few of the more typical can be given.²

A private letter informing relatives of having moved to a different district and making a request for news about relatives:

Letter of Iddina [the writer] to the Lady Kudashu:

My Lady! Daily I implore Bel and Nabu to grant long life and happiness to my lady. Through the protection of the gods I am well and all with me [are well]. Do not worry on my account that you have not received word. Since the month of Siwan [third month] I have removed to the land of Paniragana under the guidance of Bel and Nabu.

Iddina has asked for news about Ina-Marduk his father and Ina-E-sagila-ramat his mother. Iddina has asked for news about Shullumu his father and Damka his mother. Iddina has asked for news about Duinuk his brother.

By the life of the gods, why do not I get any news from them?³

A letter from a husband to his wife, telling her to take good care of the house:

Nabu-zer-ushabshi to Sekku, my wife. May Bel and Nabu proclaim good health and long life to my wife! Through the protection of the gods I am well, and Bel-iddin also is well. Now I have sent a message to Iddin-Marduk, the son of Ikisha, that he should give thee 10 gur of grain. Do not neglect the house. Have a look to things. Pray to the

¹ LANGDON, *Cambridge Ancient History*, Vol. I, p. 453.

² Some of the more accessible collections are C. W. H. JOHNS, *Babylonian and Assyrian Laws, Contracts, and Letters*, Edinburgh, 1904; R. W. ROGERS, *Cuneiform Parallels to the Old Testament*, pp. 241-282, New York, 1912; M. JASTROW, JR., "Text Book Literature of the Babylonians," *Biblical World*, Vol. IX, pp. 248-268, 1897; A. UNGNAD, *Babylonian Letters of the Hammurabi Period*, University of Pennsylvania Museum, 1915; L. W. KING, *Cuneiform Texts from Babylonian Tablets, Etc., in the British Museum*, Vols. XXII, XXIII, London, 1896; L. W. KING, *Letters and Inscriptions of Hammurabi*, No. 5, London, 1900; E. A. W. BUDGE, *The Tell-El-Amarna Tablets in the British Museum*, London, 1892; H. F. LUTZ, *Old Babylonian Letters*, University of California Publications in Semitic Philology, Vol. IX, No. 4, pp. 279-365.

³ *Cuneiform Texts*, XXII, No. 6.

gods on my behalf. Let me hear through some message what you are thinking of.¹

A peremptory request for money of the Hammurabi period:

To Adaiatum speaks as follows Ili-ishmeanni:

May Shamash and Marduk grant you life. Send on the money which you spoke of. As I told thee, I need it. In any case, by all means send it to me.²

A letter of the Hammurabi period asking the performance of three commissions:

To Etiatim speaks as follows Ili'u-Shamash:

May Shamash and Marduk grant you life! I am well. (1) It is impossible for me to come to see you. I am obliged to go to Gatana. (2) The she-ass and a young one of good breed, let the butcher kill for me. The young one I got from Belanu, son of Sin-terrim, for 5½ shekels of silver. Two shekels of silver I gave him. Three and one half shekels of silver give him. Do not give him more or less. Let him weigh the silver for me. (3) As to the one female slave which I left with you, do not put her to service. Sell her for silver on my account. Hand over 7½ ka of sesame and take a receipt for 2 gur. One gur you have received, and this leaves 1 gur.³

A letter from King Hammurabi ordering a canal to be cleaned out:

To Sin-idinnam, Hammurabi speaks as follows:

Gather the men who have fields along the Damanum canal to dig [clean out] the Damanum canal. Within this month, let them complete the digging of the Dawanum canal.⁴

An order by Hammurabi to investigate a charge of graft against an official:

To Sin-idinnam, Hammurabi speaks as follows:

Shummanlailu has reported as follows:

Bribery has taken place in Dur-Gurgurri. The man who took the bribe and the witness to these matters are here. Thus he [*i.e.* Shummanlailu] has reported. Now this Shummanlailu and a watchman and

¹ *Cuneiform Texts*, XXII, No. 151.

² *Cuneiform Texts*, XXXIII, Plate 25.

³ *Cuneiform Texts*, Plate 22.

⁴ L. W. King, *Letters and Inscriptions of Hammurabi*, No. V, London, 1900.

one . . . I am sending down to thee. When you receive this tablet, investigate it, and if bribery has taken place, send me an official report of the silver and whatever is [involved] in the bribe, and [send] to me the men who took the bribe and the witnesses to these matters.¹

Letter of the First Dynasty of Babylonia from a tenant or serf to his landlord:

To my lord say, Thus saith Ibgatum thy servant:

As, my lord, thou hast heard, the enemy has carried off my oxen. Never before have I sent to thee, my lord. Now I have caused a letter to be brought to thee, my lord. Do thou, my lord, send me one young cow. I will weigh out and send five shekels of silver to thee, my lord. My lord, what thou sayest, under the command of Marduk, thy protector, what pleases thee, no one can hinder thee, my lord. My lord, do thou make her worth the five shekels of silver that I have weighed out and sent to thee. Do thou, my lord, treat seriously this request, do not trifle with my wish. Let my lord not wonder at this request, which I send my lord. I am thy servant. I will do thy will, my lord. As to the young cow, which thou, my lord, dost send, let her be on credit, and either to Basu, or wherever is convenient to my lord, do thou send. With Ii-ikisham, my brother, let the young cow come. And I, in order that my lord should quickly consent and send the young cow, will forthwith weigh out and send fifteen shekels of silver to thee, my lord.²

Letter of an absent son to his father during the first dynasty:

To my father, say, Thus saith Zimri-erah, may Shamash and Marduk give thee health forever. Be thou well. I have sent for thy health. Tell me how thou art. I am located at Dur-Sin on the canal Kashtim-sikirim. There is no meat fit to eat. Now I have made them bring two-thirds of a shekel of silver to thee. For this money send some nice fish and something to eat.³

A receipt for interest on money loaned:

One-half mina of silver at an interest of one shekel for five shekels [20 per cent per year], from Ur-Dun-pa-e, Gir-ni-ni-shag has received. Month Gan-gan-e [ninth month] in the year when the lord of the goddess of Uruh was appointed.⁴

¹ KING, *op. cit.*, No. VIII.

² FROM *Warka Texts*, 2185.

³ *Sippara Text*, 273.

⁴ D. V. MYHRMAN, *Sumerian Administrative Documents*, No. 22, Philadelphia, 1910.

The record of the sale of a slave:

One male slave . . . -lum by name, for 11 shekels of silver, to Ur-E-Lugal-ani, Ur-Nusku, the commission broker has bought. In the presence of Gudea, the MU of the arelime, Shu-dug-ga-zi-da, the kalu priest . . . as witnesses. Month Azag-Shiru [seventh], ninth day in the year when Bar-Sin destroyed Urbillum [c. 2372 B.C.].¹

A marriage agreement drawn up before a notary:

Judicial settlement: Ninmar, son of Lu-Nannar, appeared and said, "In the name of the king, Lu-Dingirra, son of Guzani, is to marry Damgula, my daughter. Arad, son of Ur-lamma, and Ur-shid, son of Lu-Nannar [the bride's brother], take an oath to this [witnesses]. Lu-dingirra has been married to Damgula.

Ninmar for a second time appeared and said: "Nin-azag-zu, daughter of Guzani, is to marry my son, Sib-kini." It is attested that the name of the goddess Ninmar and the name of the king were invoked in an oath.

Sib-kini, the shepherd, has been married to Nin-azag-zu, Til-e-makh-ta being the *mashkim* [notary], Lu . . . and Ur-ka-silim judges. In the year following the destruction of Sinanu [c. 2361 B.C.].²

Purchase of a cow:

A cow at the price of 6½ shekels of silver from Lugal-erin to Lu-absa, son of Slupia, is confirmed. Ur-Ish-Bau, son of Ur-dun [and] Kalamma, the *nipush*, have sworn. Ur-nigin-gar, *mashkim*.³

Record of the sale of a daughter by her father as concubine and maidservant during the reign of Hammurabi:

Shamash-nuri, the daughter of Ibi-Sha-a-an, has been bought from Ibi-Sha-a-an, her father, by Bunene-abi and Belizunu [man and wife]. For Bunene-abi, she is a wife [*i.e.*, a concubine], for Belizunu, a maid. At any time that Shamash-nuri says to Belizanu, her mistress, "Thou art not my mistress," she is branded and sold for silver. The full price of 5 shekels has been weighed out. The staff has been handed over. The transaction is consummated. His heart [*i.e.*, the seller's] has been satisfied. For all times no claim can be made by one party against

¹ MYHRMAN, *ibid.*, No. 15.

² V. SCHIEL, *Recueil de travaux relatifs à la philologie et l'archéologie Égyptienne et Assyrienne*, Vol. XXII, pp. 153-154, Paris, 1903.

³ Quoted in M. JASTROW, JR., *Civilization of Babylonia and Assyria*, p. 319, Philadelphia, 1915.

the other. In the name of Shamash, Â, Marduk, and Hammurabi they have sworn.¹

A divorce settlement:

Judicial settlement: Lu-Babbar, son of Nig-Bau, rejects Gin-Enlil [his wife]. Gin-Enlil appeared and said: "In the name of the king give me 10 shekels of silver in lieu of a judicial settlement." He has paid her 10 shekels of silver. Duggi-ul and Uku-il, farmer, have sworn to this, Ur . . . being the *mashkim*. In the patesiate of Ur-Lamma (*lagash*) The year of the destruction of Kharshi and Khumurti [c. 2374].²

The transfer of a piece of urban property:

7½ gin improved property, adjoining the house of Ali-Akhati, with the long side facing the street, the house of Adad-rabi, son of Ur-Innanna. from Adad-rabi, son of Ur-Innanna, Apil-Sin, son of Bulalum, has bought. As its price in full 2½ shekels and 15 she [180 she = 1 shekel] of silver he weighed out. For all times, Adad-rabi shall not make any claim on the house. In the name of the king he has sworn an oath, before Sin-garrol, son of Buggani-dug, Elali, son of Nabi-ilishu, Ur-Ningishzida, son of Nurum [and], Azag-Nannan [as] the scribe. Month of Gan-Gan-e, in the year when King Sin-ikisham made a statue of gold and silver [c. 2195 B.C.].³

There is very little literature from ancient times that reveals more intimately and concretely the daily life, the institutional organization, and the special cultural peculiarities of a people than the documents in tablet form from old Babylonia, of which the few presented above are typical.

V. CONCLUSION

It is possible that the disproportionately large amount of commercial and legal literary remains coming down to us, as compared with all other types, was characteristic of the situation actually existing in ancient Babylonia. Its teeming economic activity and its ever changing and shifting political sovereignties of necessity demanded devotion to the problems of regulation and regimentation thus produced. At the same time the magnificent folklore of the *Gilgamesh Epic*, with its

¹ KING, *Cuneiform Texts*, Vol. VIII, No. 22b.

² Quoted in JASTROW, *op. cit.*, p. 322.

³ CHIERA, *Legal and Administrative Documents from Nippur*, No. 22, Philadelphia, 1914.

culturally significant creation and deluge myths, and a vast array of other cosmological, philosophical, and mythological writings indicate a wide and profound interest in other matters.

The literature with a distinct sociological bearing, though relatively scarce as compared with the available materials of these other related types, nevertheless gives us a concise and clear-cut impression of the extent and nature of their consciousness of matters social. Furthermore, not only was much thought devoted to problems of order and the administration of complex, racially diverse, impersonal groups, but also much concern was given to the ethical aspects of personal relations, discreet and expedient behavior based on long experience and observation, and the avoidance of folly and false values. Men of vision were making criticisms of social trends and epochs; others were developing something in the way of primary-group social philosophies; sages were writing and teaching admonitions and proverbs.

The conclusion is also unavoidable in the light of the millenniums of social history of the Tigris-Euphrates valley, that a vast amount of thinking had been done on all the problems—psychological, political, economic, sociological—involved in the organization of efficient and reasonably durable human societies. Either accident or circumstance has decreed, however, that only scattered fragments of this should have survived in written form for the students of later centuries.

CHAPTER V

ANCIENT LAW WITH SPECIAL EMPHASIS UPON THE ASSYRIAN AND HITTITE COLLECTIONS OF LAWS

I. THE SOCIAL SIGNIFICANCE OF EARLY LAW

Law is an outstanding phase of the institutional complex of any society, for it consists of the rules that govern the individual members in their dealings with one another and with the associations to which they belong.¹ It imposes the legal requirements with regard to the forms of behavior that are indispensable if established human groups are to function efficiently and survive, and it enforces these by external or penal sanctions. It is a key institution in another sense also in that, in the last analysis, most of the basic jurisdictions—economic, political, domestic, religious, educational—get their indispensable requirements written into the law of the land in order that these various minimal prerequisites of social life in human aggregates be met without fail. Thus law, to a considerable extent, summarizes the social control of a group and through that points not only to the other institutions but also to a number of related conditions, such as the ethical level that the group has achieved; the major contemporary social trends and the eliciting and repressing policies that seem to be necessary in coping with them; the forms of property, its administration and descent; the position and relationships of various population elements; and the general social philosophy prevailing, especially the nature of justice. In brief, law that has endured for any time and been effective reflects the mental patterns, the social conscience, and the routinary social and institutional behavior of that people fairly accurately. It is a definite and fairly durable form of social evidence or source material.

At the same time it must be frankly admitted that law by no means gives a completely accurate picture of a culture. Law notoriously has in it many lags, due to its conservative tendency

¹ Cf. J. DECLAREUIL, *Rome the Law-giver*, pp. 3-4, New York, 1926.

to retain survivances and anachronisms. This causes it, at any given time, to reflect the characteristics of a past age. At various times in the past it has not reflected the culture of the people as a whole but, being imposed upon them by an elite, an oligarchy, a priesthood, or a conqueror, actually has been culturally superior to and above the ready comprehension of the mass. Throughout history there has also been a considerable official borrowing of laws from peoples of prestige with whom contact was made, that were, as a matter of fact, neither accepted nor respected as actual daily legal requirements. Furthermore, the actual practices of the majority may nullify many a written law and convert it into a dead letter, a fact of which a later historian may not be cognizant. Finally, while codification gives law a desirable unity and stability, it tends to crystallize it and give it a prestige and a sanctity that may hold it intact beyond the time when it accurately reflects the social needs of a people. In spite of these possible shortcomings, ancient legal codes deserve a far wider study than they have received thus far, as a source both of social thought and of a knowledge of some of the more important social institutions.

Thanks to the work of the archaeologist, considerable portions of three great legal documents from the ancient Near East are now available. They are the Code of Hammurabi, from the First Dynasty of Babylonia, discussed in the preceding chapter; the ancient middle Assyrian Code of the fourteenth or thirteenth centuries B.C., available for study since 1920; and the Hittite Code written around 1350 B.C. and discovered in 1907. To these must be added the long-known and extensive Hebrew Code, the earliest editings of which occurred 900–750 B.C.; the ancient Persian civil-religious Code in the *Vendidad*, the material of which dates back to 600 B.C. and probably much earlier; and a series of Hindu legal codes, several of which are prior to 400 B.C. What we have of these codes exists as facts, as concrete case material available for treatment by the appropriate method. Examined in the light of their environmental and cultural backgrounds, their historical epoch and sequences, and the eccentricities of their development, what do they reveal for the student of social thought and social institutions? What common characteristics and what unique elements present themselves, and why? As was done in the case of the Code of Ham-

murabi, the Hebrew and Persian codes will be treated as an integral part of the thought of their respective cultures. The Assyrian and Hittite codes, on the other hand, stand almost alone as available and appropriate examples of the social thought of their times. Much material is found in the great library of the Assyrian emperor Ashurbanipal at Nineveh which might be considered under an Assyrian heading. Most of it, however, is definitely known to have come from Babylonian times. The Assyrians were its collectors and editors, not its creators. Hence we have considered this as part of Babylonian thought. Some 1500 ancient Assyrian letters have been found, as well as an equal number of business documents. While these are of vast importance in themselves, they bear only indirectly upon our study.¹

A few concluding observations must be recorded before taking up the Assyrian and Hittite codes in some detail. A study of ancient law at best must be more or less incomplete, for in the case of the first three codes, those of Babylonia, Assyria, and the Hittites, greater or lesser portions are known to be missing; and in the case of the *Vendidad* of Persia, uncertainty exists as to the civil significance of the legislation or the proportion of the population that it governed.

The Persian, the Hebrew, and the Hindu codes are so closely bound up with ritualistic requirements and so much governed by religious ideas that it is sometimes difficult to discern the clearcut nature of the other institutions of necessity involved. Throughout, theology, the mother of law, is still very much in evidence. Thus Hammurabi is pictured on the stela as receiving the code from the seated sun-god Shamash; Moses is said to have received the Decalogue from Yaweh on Sinai; and Zoroaster, in asking Ahura Mazda what His will is, receives the laws among many other elements as his answer.² While these

¹ For one ancient piece of social literature which is probably Assyrian in its inception see the famous *Teachings of Ahikar* treated in the Appendix.

² The reputed receipt of the law from a divine or semidivine giver, or under divine inspiration, is quite common among ancient peoples and, it may be added parenthetically, implied among certain moderns. In Babylonia, before Hammurabi, the Sumerian Urukagina received the law from the god Ningirsu. In India, only a little later than the time of Zoroaster, Gautama received his list of civil and ethical rules by divine revelation; and about the beginning of the Christian era, according to a frequently

religious elements throw light on religious institutions, they may distort the manner in which the laws reflect other institutions.

Another complicating factor is the fact that none of these codes are arranged according to any system that is readily comprehensible to modern members of the West European or American world, nor is the arrangement that they do have sufficiently systematic or consistent to make comparison easy. The Hebrew Code, known to have been subjected to at least four editings, presents the most amazing jumble of all. Frequently the student of these codes has to effect his own system and do the arranging and classifying essential for purposes of study.

Finally, it might be mentioned that in ancient as well as modern times great names have been connected with great codes. Three great personalities, Hammurabi, Moses, and Zoroaster, are linked with three of these ancient codes; supposed historical characters give their names to several of the Hindu lists; and undoubtedly great personalities lurk behind the other two, the Assyrian and the Hittite, though they are thus far unknown. Always there are these great personalities who see lack or confusion in the body of precedents and possibilities of improvement in the customs of a people. Such men themselves, or through their agents, then simplify, codify, or expand existing precedent or law, cleanse it of the abuses that inevitably develop in any institution, and then present this revision and synthesis as the ancient, acknowledged, sanctioned, and even sacred principles of right and justice of the people.¹

II. THE DISCOVERY AND THE GENERAL NATURE OF THE ASSYRIAN AND HITTITE CODES

Excavators of the German Oriental Society working at the mound of Kaleb-Shergat, on the site of Ashur, or Assur, the earliest capital of Assyria, found shortly before the World War an

accepted dating, the Brahman law comes from Manu, a minor deity. In Greece, Athena, in a dream, communicated the laws of the Locrians to the lawgiver Zaleucus. In Egypt the lawgivers Menes, Rameses II, and Bocchoris were Pharaohs and hence semidivine. Mohammed received his civil and ethical rules from Allah.

¹ In addition to the names mentioned in connection with great codes might be cited also those of Draco, Solon, and Lycurgus in Greece; Justinian in Rome; Alaric the Goth; Edward I of England; Howel (A.D. 909-950), author of the Welsh Code; Maimonides (1135-1204); and Napoleon.

ancient Assyrian code of laws of the fourteenth or thirteenth century B.C. which appears to have been in effect in an area equal to if not greater than¹ that covered by the code of Hammurabi. Jastrow maintains that it occupied the same position in the north that Hammurabi's did in the south, and, moreover, this influence for the duration of the Assyrian Code was simultaneous, since we know that the Code of Hammurabi was in effect for nearly 1500 years after its promulgation. This is probably not the earliest Assyrian law. Koschaker maintains that old Assyrian law developed during the last centuries of the third millennium. While there is no evidence of this law from Assyria itself, there are documents from Assyrian colonies in Asia Minor in what was later called Cappadocia which quite definitely point to this.² Smith believes that the original of this code may not have been more than a century older than the one found.³ The tablets available formed part of the extensive library archive at Ashur, an archive considerably older than the great library gathered centuries later by King Ashurbanipal (647-626 B.C.) discovered more than seventy-five years ago on the site of ancient Nineveh.

At the time of the early Assyrian Code, that is near the middle of the second millennium B.C., the city of Ashur was still the one urban center in the little kingdom of Assyria. The nation was young and centuries removed from the time when it was to have status as a great empire in the west Asiatic areas. Thus we note the first difference between this code and the older one of Hammurabi; namely, it represents an earlier stage of social evolutions. In the second place, the Assyrian Code is probably not so highly developed as a codification of law as is the Babylonian Code. The earlier code is the final product of a series of codifications and shows a considerable degree of polish and refinement. The Assyrian Code, on the other hand, reveals uncouthness and

¹ M. JASTROW, JR., "An Assyrian Law Code," *Journal of the American Oriental Society*, Vol. XLI, pp. 1-59, 1921. The first published text by Otto Schroeder (*Keilschriften aus Assur verschiedenen Inhalts*, Leipzig, 1920, being the thirty-fifth volume of the *Wissenschaftliche Veröffentlichung der Deutschen Orient-Gesellschaft*, Nos. 1-6, 143-144, 193) does not tell exactly when and in what part of the mound the portions of the code were found, but the society's excavations extended from 1903 to 1914.

² P. KOSCHAKER, *Encyclopaedia of the Social Sciences*, Vol. IX, p. 211.

³ S. SMITH, *Early History of Assyria*, p. 318, New York, 1928.

immaturity in its structure and content. In this connection, the Code of Hammurabi deals with universal principles; the sections of the more recent code seem to refer to particular sets of circumstances. This gives them the appearance of being a collection of actual decisions or judgments of judges (or priests) in particular cases which have passed into law.¹ Koschaker is of the opinion that it was a collection of court decisions and laws, the latter largely derived from an urban code of Ashur, and that the whole was the work of private individuals who modernized or glossed older laws by later additions.² At any rate, the collection does not seem to have developed into a system of law. It is written law in the making. In fact, the question has been raised as to whether it would not be more accurate to speak of the Assyrian document as a compilation in writing of predominant practices rather than a code. This difference between it and the Babylonian Code, as Smith points out, is the more remarkable because copies of the older code were undoubtedly made and studied in Assyria at the very time from which the Assyrian laws date. The Assyrian Code is also a much less consistent mingling of practices and customs that were harsh and crude on the one hand with others that showed great advance over the Code of Hammurabi in their humanity and their modernness.

The Assyrian laws thus far excavated are written on three large tablets with some fragments of various editions. Jastrow is of the opinion that the code must have consisted, in its complete form, of at least three more tablets.³ The first tablet consists of fifty-eight or nine laws, according to the way that the translator divides certain passages, dealing extensively with the laws relating to women. The second tablet with twenty-one laws available presents laws relating to land, fields, and houses. The third tablet of which whole paragraphs are lost, and of which only eight are more or less legible, obviously consisted of a series of laws dealing with breach of confidence.

The Hittite Code was discovered by the German excavators at Boghazkeui in 1906 and 1907 as one of a great many other

¹ Cf. C. J. GADD, *Encyclopaedia Britannica*, 14th ed., Vol. II, p. 864; SMITH, *op. cit.*, p. 318.

² KOSCHAKER, *op. cit.*, p. 213.

³ *Op. cit.*, p. 6.

very significant documents of the ancient Hittite empire. The Hittites, though often mentioned in Babylonian, Egyptian, Assyrian, Hebrew, and Greek documents, are a people about whom little has been known until recently. There is complete ignorance regarding their origin, though it is suspected that they were of mixed Aryan and Caucasian elements.¹ Though it is generally thought that they were in Asia Minor at an early date, the earliest definite evidence of their civilization runs back to 3000 B.C.² The Hittites, however, first appear in history about 2000 B.C. and are at that time already a powerful people.³ During this second millennium B.C. they invaded Babylonia and overthrew the first dynasty of Babylon; they expanded to the south into Syria and possibly into Palestine; they were responsible for the fall of the Egyptian empire in Asia in the fifteenth century;⁴ the expansion of the Assyrian empire was stemmed by them for centuries; and it is likely that Hittites or their allies were the opponents of the Greeks in the Trojan Wars (c. 1184 B.C.).

Their rule extended over a greater part of Asia Minor, Syria, and western Mesopotamia between the years 2000 and 1200 B.C., and they imposed their relatively high culture upon these regions. In earlier times they seem to have had a general cultural unity but no centralized political power, consisting rather of a number of separate and independent city-states. Now they were a confederated people and had two great capitals, Hittite City or Boghazkeui in the north and Carchemish in the south.⁵ During this millennium of their greatness, their sphere of influence was extended by means of wars, alliances, and treaties and also frequently by dynastic marriages. During this time they also were a great commercial people, carrying on especially exchange of inland wares for those of the Aegean. In fact, economic penetration was one of their favorite means of extending their empire. Controlling the mines of Asia Minor with their

¹ B. B. CHARLES, *Hastings' Encyclopaedia of Religion and Ethics*, Vol. VI, p. 723.

² G. A. BARTON, *Archaeology and the Bible*, 5th ed., p. 81, Philadelphia, 1927.

³ J. GARSTANG, *The Land of the Hittites*, p. 52, London, 1915.

⁴ The Tell-el-Amarna letters show an extensive correspondence between the Egyptian court and the Hittite rulers.

⁵ CHARLES, *op. cit.*, p. 723; A. E. COWLEY, *The Hittites*, p. 21, Schweich Lectures, 1918.

silver, copper, lead, and perhaps also tin, their metal wares were carried among every people of western Asia. with the consequent transforming effects on the culture of the various peoples.¹ Car-chemish was one of the great commercial cities of this millennium. Rivaling the Egyptians and Babylonians, its inhabitants ranked third in political and economic importance among the peoples of the ancient East² and were their cultural equals. This latter statement rests for support upon their extensive cultural remains, notably their architecture (temples and palaces); the sculpture and inscriptions, including the numerous rock-cut pictographs, the monuments; their diplomatic correspondence; the treaties, the regal proclamations; commercial documents; and so on found among a large number of cuneiform tablets.³ Some of their culture had been quite evidently borrowed, but it was strong and distinctive nevertheless and pointed to a great and rich past. Incidentally, it also left its unmistakable mark on contiguous peoples.⁴

The Hittites were a strong and cosmopolitan, but a culturally unified, people. While their archives are written in five languages,⁵ and while there were scholars in the kingdom who were masters of six,⁶ they were, however, sufficiently independent and creative to work out their own hieroglyphic script in which most of their rich and varied literature is written.⁷ Gradually their power declined, as is the manner of nations, ancient and modern, and was finally broken by Sargon II. Before the end of the eighth century B.C. they had been absorbed by Assyria and Phrygia.

The great legal code comes from the so-called New Empire period which began about 1385 B.C. It is thus undoubtedly

¹ A. H. SAYCE, Introductory note to J. GARSTANG, *The Land of the Hittites*.

² F. HROZNY, *Encyclopaedia Britannica*, 14th ed., Vol. II, pp. 598-608; L. MESSERSCHMIDT, "The Ancient Hittites," *Annual Report of the Smithsonian Institute*, 681-703, 1903.

³ Winkler unearthed more than 2500 at Boghazkeui alone.

⁴ Cf., e.g., Sayce's introduction to GARSTANG, *op. cit.*; BARTON, *op. cit.*; HROZNY, *op. cit.*, p. 606.

⁵ A. T. OLMSTEAD, *History of Assyria*, p. 35.

⁶ HROZNY, *op. cit.*, p. 606.

⁷ P. JENSEN, "The So-called Hittites and Their Inscriptions," in H. V. HILPRECHT, *Explorations in Bible Lands in the Nineteenth Century*, pp. 755-793, Edinburgh, 1903.

from the fourteenth century. The king was Shuppiluliumash. The empire is at the peak of its military and political power and is temporarily supreme in the West Asiatic area. The Hittite rule thus extends over many peoples different in race, language, and customs; and law consequently shows that it is designed for a heterogeneous rather than a homogeneous population.¹ The law also, however, reflects a civilization whose primary interests are agricultural rather than urban and commercial.

The code itself is in two parts, containing about 200 paragraphs. The existing laws, from the point of view of a modern student of institutions, by no means cover all or even the most important relations with which a code might be expected to concern itself. The chief subjects dealt with, in order, are assault and battery; slaves; marriage; bandits; land-tenure laws; feudal duties; military service; domestic animals; theft and damages; incendiarism; horticultural laws; laws fixing wages, rent, and prices; and laws on adultery, rape, and unnatural sins.

One of the peculiarities of the Hittite list of laws is the occasional reference to revision. In several cases it is stated that "formerly" the practice was so-and-so but that "now" it is thus. Usually the revised custom or law is milder than the older form.² Another peculiarity is that, somewhat like the Assyrian Code, it was probably never published as a code in the form in which it has come down to us but is rather an official collection of individual laws and decisions for the use of officials of the royal courts.³

III. THE SOCIAL THOUGHT IN THE ASSYRIAN CODE

Part I of the Assyrian Code relates, in general, to women. The specific laws are concerned with a variety of aspects of woman's life such as theft, prostitution, adultery, rape, fighting, assault, inheritance and property transmission, the dowry, support by husband, veiling of women, betrothal, and the practice of sorcery.

The woman uttering loose or vicious or careless talk is alone responsible. "If a woman, whether the wife of a man or the daughter of a man utter vulgarity or indulge in low talk, that

¹ GADD, *op. cit.*, p. 865.

² GADD, *op. cit.*

³ KOSCHAKER, *op. cit.*, p. 214.

woman bears her own sin; against her husband, her sons, or her daughters they shall have no claim."¹ If a wife steal of her sick or dead husband, both she and the receiver of the stolen goods shall be put to death. If the husband be healthy at the time of the theft, he shall impose any penalty upon his wife that he wishes, and the receiver of the goods shall be given like punishment (§3). If the wife give goods stolen from the husband to a slave, either male or female, the slave's nose and ears and the wife's ears shall be cut off. If the husband pardons his wife, then the slave's ears shall not be cut off (§4). If a woman steal from another man, her own husband may return the stolen goods and ransom her and, if he wishes, cut off her ears. If he do not wish to ransom her, then the owner of the goods may cut off her nose (§5).

If in a fight a woman crush a man's testicle, one of her fingers shall be cut off; if the other testicle becomes infected or is also injured, both of her eyes shall be destroyed (§8). If a man mistreats or manhandles another man's wife, one of his fingers shall be cut off. If he kisses her, they shall cut off his lip with a poisoned bronze knife (§9). If a man or woman commit murder, the "avenger of blood" shall kill the murderer; or he may take his or her property (§10).

If a man rape a woman, he shall be killed (§12). If a man's wife have an assignation with another man who is aware that she is married, both shall be killed, but if not knowing that she is married he has intercourse with her, the adulterer shall go free. The woman's husband in the latter case shall do with her as he likes (§§13, 14). In the case of willing adultery on both sides if the husband catch the adulterous pair, he may kill both his wife and the other man; if he cuts off his wife's nose as punishment, then her partner shall be castrated and his face disfigured, but if the man spares his wife then the other man must also be spared (§15). But if a man's wife wish the relations with another man, the latter is without blame (§16). If a man rape a virgin and she become pregnant

¹ Part I, §2. Trans. by D. D. LUCKENBILL, Appendix III to J. M. POWIS SMITH, *The Origin and History of Hebrew Law*, University of Chicago Press, Chicago, 1931. The parts of the code quoted will be taken from this translation. Other translations available to American readers are the one by BARTON, *op. cit.*, and that by JASTROW, *loc. cit.*

. . . the father of the virgin shall seize the wife of the adulterer and give her to be raped. . . . The father shall give his ravished daughter to the one who raped her as wife. If he have no wife, the ravisher shall pay to her father threefold the price of the virgin in silver. . . . If the father be willing, he shall take threefold the price of the virgin in silver and give his daughter to whom he pleases" (§54).

But if the virgin voluntarily give herself to the man, his wife shall not be taken, but he must pay the father threefold the price of the virgin nevertheless (§55).

If a man falsely or maliciously accuse another man's wife of adultery and "there is evidence," that man shall be placed in fetters and thrown in the river, or, as it is stated in the next law, he is to be given forty blows, be put in the *corvée* for a month, be mutilated, or fined one talent of lead (§§17, 18). If such a secret assertion be made about a *male* companion, the man shall suffer any one of the same penalties just mentioned (§19). When a man has sexual relations with another man, he shall be made a eunuch (§20).

If a procuress by trickery or deception persuade a married woman to enter her house of ill-fame, the married woman is innocent of any offense, but the men who had intercourse with her, if they knew she was a married woman, and the procuress shall be put to death. If the wife enter knowingly, the husband may punish her as he wishes (§23). Several variations of the situation where a warned woman is voluntarily or involuntarily in another woman's house for immoral purposes are treated (§24).

A second set of laws in Part I is concerned primarily with the property arrangements following the death of either husband or wife or the divorce of the wife. The property division is determined by which type of residence the wife established, for two types were recognized in Assyrian law. The wife might remain in her father's house and receive her husband there, this apparently being the case among the poorer classes, or she established residence in the house of her husband. If she came to her husband, she brought a dowry and certain gifts from both families. The legislation reflects these different situations. If the husband of a woman who dwells in her father's house die, and she have no son by him, "every gift which her husband settled upon her, which is not used up, the brothers of her husband . . . shall

take" (§25).¹ But if a woman, dwelling in her father's house, have sons, when their father dies, they are to receive their father's gifts to their mother (§27). If a widow with a minor son marries a man, and this son is not officially adopted, he has no share in the estate of his mother's husband (§28). If a woman upon marrying reside with her husband, "her dowry and anything which she brought from the house of her father, as well as that which her father-in-law gave her on entering her husband's house, is free to her sons. The sons of her father-in-law shall make no claim, and if her husband survive her, he may give to his sons as he wishes" (§29).

The institution of the levirate seemed to prevail in the Assyria of this period. Thus if the son of a man die, and the wife of that son live in the father-in-law's house, the father-in-law shall give her to his next son (§30). On the other hand, if a man's wife die, and if his father-in-law have another daughter, and he be willing, the son-in-law may take her as wife. Or he may have back his bride price but no food (§31). There is also the law, parts of which are missing, that adds this astonishing arrangement to the stipulations of the code: "If a woman be dwelling in the house of her father, and her husband die, and she have a son . . . then her father to her father-in-law shall give her in marriage. If her husband and her father-in-law be both dead, and she have no sons, she is a widow; where she wishes she may go" (§33).

Several laws relate to widowhood. If a man take a widow into his house for two years, she has the legal status of wife (§34). If a widow enter into (marries) a man's house, all her property is his; if a man enter a woman's house, all is the woman's (§35). If a wife is deserted, she must remain unmarried for five years. At the expiration of the five-year period she is legally free and may marry whom she will. But if the husband has been forcibly retained and then returns, he shall give the new husband of his wife a woman as wife and receive back his own wife. If the wife marry within the five-year period, the original husband may have the children (§36). If, however, it is a mere case of betrothal, and if the husband-to-be is made captive by the enemy, and she have no father-in-law or son, she shall wait for two years, and if she have no means of support, she shall be

¹ Barton gets a different meaning out of this passage.

cared for by the palace. During these two years she has the estate of her husband to-be. At the end of the two years she may marry whom she please. If her husband to-be should later return, his estate and his betrothed are his, but any children that she may have had by the second husband belong to him (§45). If a widow have no support from her husband she may live with any of his sons. "The sons of her husband shall support her; her food and drink, as for a fiancée whom they are courting, they shall agree to provide for her" (§46).

The man alone may divorce his wife. But if he do divorce her, he may give her something if he wishes. If she lived in her father's house, he may demand all of his presents to her except the bride price (§§37, 38).

The legislation gives the earliest evidence of the Oriental attitude toward veiling. All respectable women, whether full wife, concubine not with her mistress, captives, daughters, or sacred prostitutes, if married, are obliged to be veiled and have heads covered when appearing on the street. On the other hand, unmarried priestesses, harlots, and maidservants are not permitted to be veiled. If the harlot wear a veil, she shall be punished with fifty blows, and bitumen shall be poured on her head; the maidservant violating the rule shall have her ears cut off. The law goes even farther; a man who sees a harlot or maidservant go veiled and does not report her is himself liable to a punishment of fifty blows, pierced ears, and possibly a month of forced labor in the press gang (§40). The veiling of a concubine or captive woman by a man in the presence of five or six witnesses and uttering the words, "She is my wife," was accepted as a marriage ceremony (§41).

The only crimes mentioned in the parts of the code available, other than those involving sex offenses, are sorcery. "If a man or a woman practice sorcery, and they be caught with it in their hands, they shall prosecute them, they shall convict them. The practicer of magic they shall put to death" (§47).

Causing a miscarriage by abuse of the woman is seriously dealt with. If a man strike a woman (not his wife) well advanced in pregnancy and cause a miscarriage, he shall give his own son in its place, and he himself shall be killed. In the same act it is stated, "If that which was in her were small, he shall make restitution with a life" (§4a). The next law somewhat contradic-

torily states, "If a man strike the wife of a man in her first stage of pregnancy, and cause her to drop that which is in her, it is a crime; two talents of lead he shall pay" (§50). If a man cause a harlot to have a miscarriage by blows, "blows for blows they shall lay upon him" (§51). If a pregnant woman voluntarily bring about an abortion, "they shall convict her, they shall crucify her; they shall not bury her. If she die from dropping that which was in her, they shall crucify her. They shall not bury her" (§52).

The laws of Part II relate chiefly to real estate—its inheritance and sale, the boundary marks, use of property not owned, and irrigation. Some of the laws are partly illegible; hence their meaning is not clear. The first and second law show that when a father died his property might be divided among his sons, the first son having certain special advantages and claims. On the other hand, the land might remain a whole and be cultivated in common by the brothers. In this latter case, the eldest son had a double share at harvest.

The sixth law deals at length with the process whereby the buyer acquires clear and free title to a piece of land. Three times for a month he shall make the following proclamation before the scribe and the magistrates for all to hear:

Field and house of so-and-so, son of so-and-so, in the cultivable area of this city, I am buying. Such as are in possession, or have objection, or have any claims against the property, let them bring their tablets, let them lay them before the magistrates, let them present their claims, let them prove their title, and let them take what is theirs.

If no one comes forth to dispute his title "the buyer shall receive in full up to the fence of his field." The judges then declare in three separate tablets all later claims invalid.

Tampering with boundary markers is dealt with in two laws which exist in full. They distinguish between "large" and "small" boundary:

If a man meddle with the "large boundary" of his neighbor, they shall prosecute him, they shall convict him. Whatever the amount of field which he seized upon, threefold he shall restore. One of his fingers they shall cut off, a hundred blows they shall inflict upon him, one month of days he shall do the king's work.

If a man change the "small boundary" which is of reed palings, they shall prosecute him, they shall convict him. One talent of lead he shall pay; whatever the amount of field which he seized, threefold he shall restore; fifty blows they shall inflict upon him; one month of days he shall do the king's work (§§8, 9).

In a fragment of a law (§21) we read, "If a man in a field not his . . . surround it with a boundary wall and set up a boundary stone, . . . they shall prosecute him, they shall convict him. . . ." The punishment was undoubtedly even more severe than for tampering with the "large boundary."

If a man dig a well on another's property, not only does he not have a claim upon the well, but he shall receive twenty blows and serve at forced labor for twenty days (§10). But if a man with the knowledge and consent of the owner plant a garden or orchard, dig a well, or raise trees on another's land, the garden is "free" to him, but "field for field to the owner . . . he shall give" (§12). If a man make these improvements without the owner's consent, the owner takes it all (§13). If a man make bricks in another's field, he shall give back clay threefold, his bricks shall be forfeited, and he shall receive fifty blows and a month at forced labor (§§14, 15).

Where water is used for irrigation purposes, the adjoining property owners shall decide upon its division and use. If there is dissatisfaction, the case should be taken to the judges (§§17, 18). The primary concern is that of an equitable division of water.

What we have of Part III deals largely with the unlawful sale of children, slaves, or livestock held as pledge for the return of a loan. If the creditor sell the son or daughter of the debtor or any animal held as pledge, his loan shall be forfeited, he shall give up his own child, he shall receive lashes and work twenty days at forced labor. If he sell them into a foreign land, most of the penalty is doubled (§§2, 3). If a jewel be held as pledge, "and the man in whose house the pledge was deposited do not close the doors which guard his house, and anything be taken from his house, that man is a thief, he shall bear the theft" (§9). The last law (§10) seems, from its fragments, to impose penalties upon creditors who made exorbitant exactions upon debtors.

Several conclusions legitimately grow out of this brief examination of these fragments of the Assyrian Code. While the punishments are exceedingly severe, there are also evidences of

humanity and an impartial justice. The penalties take the form of death, the cutting off of ears or nose or both or of one or more fingers or a lip, the imposition of from 50 to 200 lashes, castration, mutilation, crucifixion or impalement, service of the king (*corvée* or press gang), and money fines. At the same time the principle of retaliation, in direct contrast to the Babylonian Code, is almost entirely lacking, except in the case of the murderer who may be killed by the relatives of his victim or the husband of the adulterous wife who may kill both the wife and her paramour (§15). But even here the family of the murdered may take property as a substitute. Nor is there any evidence of those gradations of punishment's varying with the social class of the lawbreaker and victim, as has been noted in the Code of Hammurabi. Everyone is treated alike. It may be concluded, therefore, that all Assyrians at this time were equal before the law. Furthermore, the test of ordeal by water is used as a supplement to the usual procedures, and there is the hint of its use as an objective though magical way of determining guilt. In a criminal charge, if witnesses or other mode of proof were lacking, the accused was thrown into the river, and if he floated he was innocent. Also in a dispute when both parties had taken oaths that were contradictory, the ordeal was used to decide between them. Finally, in spite of much crudeness and brutality, the code has a place for mercy. For example, the phrase "he may do as he likes" appears several times as applied to the husband or father in the case of his wife or daughter's having committed an offense. The man may extend mercy or pardon and thereby set aside the stipulated penalty.

There are some distinct crudities in the legal procedure. Occasionally it is stated that witnesses or interested parties may "seize" a culprit and determine his guilt. Thus in §11 witnesses may seize an adulterer and put him to death, undoubtedly a survival of an age when punishment was imposed by individuals or groups of citizens. "He may do as he pleases" or "doing . . . as he likes" is also applied to the husband or father in the case of his wife or daughter's having committed an offense. Apparently not all judicial procedure occurred through a recognized and impartial officially constituted tribunal.

The state is well-developed. As was pointed out above, there is little evidence of private vengeance. The law is administered

by the state. The phrase "he shall be brought before the king or the judges" recurs frequently. Moreover, the public executioner carries out the sentences of the judges. But while the state administers the law, the penalty seems to be largely in behalf of the wronged party and not of the people of the state as a whole. The frequency of a month in the king's service as a form of punishment also attests to the large part played by the power of the state.

The legislation on sex crimes seems to bulk large in what we have of the code (fourteen laws in all), but it may not have been a disproportionately large portion of the whole. Crimes of this nature were more severely dealt with than they have been by the most Puritanical modern nations. Moreover, the presence of a law may not necessarily imply a large number of violations of that phase of morality but rather an alert opposition to it.

This ancient Assyrian world is one in which men have vast power over women though always with safeguards for the women. Women are in fact the property of their fathers or husbands. The wife or daughter can be sold or pledged for debt to a creditor, though the creditor who holds his debtor's daughter for debt cannot hand her over to a third party without the consent of the father (§27). Wives, having no independent rights, can be taken from the husband to pay for his transgressions (§54). The husband is free to punish his wife (§§3, 5). The husband alone has the choice of divorce, and he may give his wife something when he dismisses her or send her away empty-handed, "as his heart moves him." The exception is the wife's dowry, which she takes with her. The father, having a property right in his daughter, is compensated for the loss of his daughter's virginity (§55). All that a widow brings with her when she marries is her husband's. A given father's children are always his regardless of circumstances. On the other hand, a widowed mother must be supported by her sons in case the father has made no provision for her (§45); even if she be the second wife and has no children, the obligation falls on the children of the first wife. An abandoned wife is taken care of.

Private property is well-established. Clear title is very important; tampering with the boundary stones carries a heavy penalty; use right is carefully defined; and the division of an estate is carefully provided for. The prevailing metallic money was

made of lead, the payment of fines in lead talents being mentioned repeatedly. Only once is silver money mentioned, that being the law in which the rape of a virgin is compensated for by a threefold payment in silver.

While the Assyrians, owing to their innumerable military and trade relations, had catholic tastes and borrowed widely, their code shows very little dependence on any other known one. Contrary to a quite logical expectation, it seems to be especially free from the influence of the great and widely known Code of Hammurabi. The Assyrian Code is free from Babylonian administrative and legal terms and has different officials and a different practice. The social conditions dealt with are in certain cases peculiarly Assyrian; the severe punishments inflicted accord with the national temperament; the attitude toward women in several respects is consonant also with the general tenor of the nation; and the legal procedure reflects their own particular type of centralized government, with the assumption of so much authority by the king. It seems to be their own independent product, meeting uniquely and indigenously their own particular problems of order and control. The extent of the control exercised by this code is not definitely known, but it is quite likely that it was recognized throughout upper Mesopotamia, Syria, and Palestine.¹

IV. THE SOCIAL THOUGHT OF THE HITTITE CODE

The Hittite Code covers a large number of the typical control problems arising in a society of its general culture epoch. Moreover, the legislation is well-grouped according to subjects. These classes of legislation will be taken up briefly in the order in which they appear in the translations available.² It will be noted that the Hittite Code, unlike those portions of the Assyrian Code available, presents frequent parallels to the Babylonian Code of seven hundred years earlier and occasional similarity to the later Hebrew Code. In general, however, the Hittite Code seems to be milder in its penalties and to exhibit a later or higher

¹ Cf. S. SMITH, *Cambridge Ancient History*, Vol. III, p. 108.

² The translations used will be those of BARTON, *op. cit.*, pp. 369-388, and ARNOLD WALTHER in J. M. POWIS SMITH, *op. cit.*, pp. 246-274. The Barton translation will be used in all exact quotations, unless stated otherwise.

stage of development than the Babylonia, Assyrian, or Hebrew codes.

The first eighteen laws of the code deal with murder, assault, and battery.¹ The first two are concerned with intentional murder.

If anyone intentionally kills a man or a woman, that one shall bring and give four persons, either male or female, and for the future he is free (§1).

If anyone intentionally kills a slave or slave girl, that one shall bring and give two persons, either male or female, and for the future he is free (§2).²

Here, it is noted, first, that the Hittite Code even for intentional murder abolishes the *talio* with its blood revenge and substitutes for it a payment in the form of slaves. Second, it demands the greater compensation for the murder of a free man than a slave, thus grading the penalty according to the social status of the injured person, after the manner of the Babylonian Code. The third and fourth laws treat of wounds that result in death. The principle is the same except that in this case two slaves must be given for the free man who dies and one slave for a slave.

Laws 7 to 18 deal with different kinds of injury, such as knocking out teeth; blows on the head; breaking a hand, foot, or nose; cutting off an ear; or causing a miscarriage. In each case the injury carries a definite compensation in terms of money, and the compensation paid to a free man for injury suffered is twice that paid for injury to a slave. The tenth law carries a blanket statement and also points to interesting responsibilities of the guilty party.

If anyone strikes a person and there are consequences, then that one shall make restitution; he shall pay the man for it: this one shall be in his house while he is convalescing; after he has recovered, then he shall give him 6 shekels of silver, and the doctor's bill and business-loss he pays (§10).

Sections 19 to 24 of the code deal with the stealing of slaves.³ The penalty varies with the political conditions involved,

¹ The parallel legislation in the Code of Hammurabi (hereafter referred to as C. H.) is §§195-214.

² From G. A. BARTON, *Archaeology and the Bible*, by permission of the American Sunday-School Union, Philadelphia.

³ C. H. §§14-20.

especially the citizenship of the owner and the thief and the place in which the theft occurs and the place where the thief or slave was apprehended. The penalty varies from a compensation in the form of six persons (the text states, "formerly twelve persons he gave") to one person and compensation in the form of from 40 to 12 shekels of silver. The man catching a runaway slave is rewarded with 2 or 3 shekels of silver, depending on what he has given the slave in the way of equipment and whether he caught him on one side or the other of "the river." If the monetary systems are at all comparable, the code shows that slaves had a higher value in Hittite City than in Babylonia seven hundred years earlier.

The twenty-fifth law, as Walther translates it, involves sanitation and public health. "If a man put filth in a cistern or well . . . he who put filth is to give three half shekels of silver to the owner or the village and to the palace they shall give three half-shekels. . . ." The law allows the king to remit the palace share.

The Hittite laws (§§26-36) concerning marriage and the bride price are fewer in number, provide for fewer contingencies, and are more concise than those of either the Babylonian or Assyrian codes.¹ The betrothal gift and the dowry are standard institutions. The two kinds of marriage, according as to whether the woman remains at home or goes to live with her husband, are recognized by Hittite as by Assyrian law. Thus if a wife who has gone to her husband die, her dowry goes back to her father; if she die in her father's house, it goes to her children (§27). If a betrothed maiden marry another, either at her own impulse or at that of her parents, she shall be restored to her betrothed (§28). If a man have paid a bride price for a maiden, and her parents then change their minds, they must pay the man back double the bride price (§29); but if the man change his mind after having paid the bride price, he loses it (§30). Marriages between freemen and slaves apparently were common, and the parties were adequately and justly protected by law (§§31-36). The laws show that slaves could accumulate property for themselves, earn and save money with which to pay the bride price for a wife, and marry a free woman. Near the end of the code we find the Hittite levirate law: "If a man takes a wife and the

¹ C. H., §§128-161.

man dies, his brother shall take his wife; then his father shall take her; if also his father dies, one of the brothers shall take her, whichever one the woman shall choose" (§193).

If a bandit be seriously hurt while attacking a party and die, "there is no penalty in that case"; in fact, "thou owest nothing to the bandit" (§§37, 38).¹

Two separate groups of laws (§§39-41, 46-49) concern themselves with leased land and feudal holdings. A lease must be maintained for the period of the contract (§39). If a soldier disappear (supposedly killed in battle) another may claim his holding, if he also assume the responsibility of rendering military service. If he refuse the military duty, "the men of the city shall cultivate it" (§40). If the holding be that of a land superintendent, another land superintendent may take it if the original owner disappear, provided again he be willing to give military service. If not, the land reverts to the king (§41). Laws 46 and 47 also indicate that the land was held either by the king or by the cities and was granted to individuals only on condition of certain military services. The principle is also established that pay shall be given only for work rendered (§§48-49).²

Among a group of laws dealing with losses and damages (§§42-45) is found this interesting stipulation: "If at a fire anyone pulls a man out and he [*i.e.*, the rescuer] dies, he [*i.e.*, the rescued] shall give a son in his stead." Another states that a finder, if he does not return what he has found, becomes a thief (§45).³

A voluminous section (laws 57-92) covers the theft and killing of domestic animals.⁴ It is interesting to note that the bee is a domestic animal among the Hittites and that their laws, unlike those of the Babylonians and Hebrews, mention horses. The following is typical on the subject of theft of a stud animal:

If anyone steals a full-grown horse (if it is half a year old, it is not a full-grown horse; if it is a yearling, it is not a full-grown horse; if it is two years old, this is a full-grown horse), heretofore he gave thirty horses; but now fifteen horses he may give; five horses two years old,

¹ C. H., §§21-25.

² C. H., §§26-41.

³ C. H., §§257-60.

⁴ C. H., §§241-256.

five horses a year old, five horses six months old he may give; and for the future he is free (§58).¹

The same stipulations hold for theft of bulls and rams. If a straying animal is appropriated, seven of like kind shall be given as compensation and penalty (§§60-62). For the theft of a draft animal, whether ox or horse, ten animals shall be paid in return (§§63, 64); for a female animal six of like kind. There are also extensive rules regarding the compensation for damages committed by straying animals, the penalty for injuring animals, fees for hiring animals, payment for rescuing animals from wolves, and a variety of other situations indicating that the life of the people under the code was primarily agricultural and that domestic animals played a very important part in this life.

Other forms of theft carry their own type of penalty (see §§93-97). If a freeman is caught in a storehouse or granary, he shall pay 12 shekels of silver; if it is a slave, he shall pay 6 shekels. If a free man burglarizes a house, he shall pay 12 shekels of silver and make restoration according to his theft. The slave burglar similarly is fined 6 shekels, but he also has his nose and ears cut off. If the slave's master makes restitution for the theft, he may have his slave back; if not, the slave goes to the victim. Thus the master may or may not assume responsibility for his slave's acts as he chooses.

A later section (§§119-144) also deals with various additional forms of theft, but parts of most of these laws are effaced, and hence the full meaning is difficult to obtain. They involve the theft of such miscellaneous objects as birds, peasants, the contents of a chariot, jars and vases, ornaments, saddles and harness, doors, weapons, and barbers' tools. The principle of a penalty in the form of a fine considerably in excess of the value of the object stolen prevails throughout, with the unexplainable exception of §126 in which is found the phrase, "If anyone steals a bronze lance from the gate of the palace, that one shall die."

Three laws (§§98-100) deal with fires. If a freeman accidentally causes a fire and the house burns down and people or livestock perish, "such an one shall not make restitution" (§98). If the slave lights the fire, however, his master shall make restitution, and the slave shall have his nose and ears cut off and be

¹ BARTON, *op. cit.*

returned to his master (§99). If anyone burns a barn, he shall restore the grain in it and rebuild the barn (§100).

Theft or damage of vines, trees, grain, or vegetable crops is the subject of a group of laws comprising §§101 to 118.¹ Throughout, the thief must pay a penalty in terms of money. In the case of a damaged crop or tree the guilty one usually pays a fine and must make some sort of restitution. The following law illustrates the principle:

If anyone lights a fire in a field and it catches the standing crop and burns the field, he who lighted it shall take the burned field and shall give a good field to the owner of the field; that one shall cultivate it (§106).²

Laws 145 to 149 fix the damages to hired animals or slaves or a rented house.³ Thus the one who damages a rented house shall repair it and pay 1 mina of silver (§146). An injured rented slave ("unskilled workman") must be compensated for (§147). The last law of the group introduces the unique element of requiring two slaves as payment for a piece of prize livestock: "If anyone borrows a bull as a breeder and says, 'It is dead,' he shall seek the owner; then he shall take it and give for it two persons, and for the future he is free" (§149).

Laws 150 to 161 fix wages, rentals, and fees for certain services.³ Sections 150 to 156 obviously fixed wages by law, but parts or all of these laws are effaced so that we are denied the details. The rental of a plough ox is 1 shekel per month (§151), and that of a bronze ax is the same. Another law shows a great discrepancy between the wages of men and women.

If a man goes and offers himself for wages and undertakes the management of a cart, is lodged in a straw-barn, and irrigates a cultivated field, his wages for 2 months are 30 pas [or pecks] of barley. If a woman goes and offers herself for wages in the kitchen [or harvest?], she shall receive as wages for 2 months 12 pas of barley (§158).

Similarly the fees that bronze- or coppersmiths receive for making different tools or utensils are fixed and vary according to the weight of the object (§§160, 161). One law is tacked on to

¹ C. H., §§59-66.

² C. H., §§234-240.

³ C. H., §§268-277.

this section fixing the penalty for diverting water from an irrigation ditch at 1 shekel (§162), and another (§163) states the responsibility of a shepherd.

Laws 164 to 169 state ritualistic observances which must be resorted to to insure safety on a journey, atone for desecration of a field, or sanction the establishment of a boundary. Section 170 makes death the penalty for casting a spell by "killing a serpent and speaking the name of another."

Not only are fees fixed, but prices as well. One of the largest sections of the code (§§172-186) fixes the prices not only of livestock, grains, land, wearing apparel, skins, and meat but also of the services of various types of artisans for different periods of time.¹ Thus, "if anyone hires an artisan, either a potter, a smith, a carpenter, a shoemaker, a tailor, a weaver, or a maker of lace, he shall pay 10 shekels of silver" (§176B). "If anyone employs a skilled bird-raiser, he shall pay 25 shekels of silver" (§177). The prices for given species of animals differ according to sex and use. Thus the price of a plough ox is 15 shekels; of an ordinary full-grown ox, 10 shekels; of a full-grown cow, 7 shekels; of a 6-months-old bull calf, 4 shekels; of a pregnant cow, 8 shekels; of a calf, 2 shekels (§178). Similar gradations prevail for horses, goats, asses, and sheep. The price of a sacred head-dress is fixed at 12 shekels; 2 pairs of breeches, at 10 shekels; an apron, at 3; a storm cloak, at 4; and a turban, at 1 (§182). A considerable range of prices prevails for the fresh meat and dressed skins of different domestic animals (§§185, 186).

The last group of laws (§§187-200), with the exception of the levirate law (§193) discussed above, deal with vice and sexual offenses. Sections 187, 188, 199, and 200 are concerned with sex relations with animals. In all cases except that of relations with a horse or mule, the penalty is death, though the king may grant a pardon. Incestuous relations (§§189, 190) are spoken of as "punishable abominations," though no punishment is mentioned.² The first offense of committing adultery with a neighbor's wife out of doors is not punishable, but the second is (§191). Adultery with a slave woman or prostitute carries no penalty (§194), but relations with a brother's wife, the daughter of a

¹ C. H., §§268-277.

² The Walther translation in place of "punishable abomination" has "capital crime," probably the correct translation.

free woman taken as wife, or with the mother of a daughter who has been taken as wife are "punishable abominations" (§195). If a husband apprehend his wife in an adulterous relation and kill both her and her paramour, "there is no penalty" (§197). He has the choice also, however, as in the Assyrian Code, of allowing both to live, though the other man shall have his head scarred. But we also have the final statement, "The king may kill them; the king may let them live" (§198).

By way of summary it may be stated that one of the outstanding features of the Hittite Code is the large amount of space devoted to theft, some 54 of the 200 laws being concerned with this subject. This probably, as J. M. Powis Smith points out, reflects a long history of civilization and an accumulation of experience in the field of theft, robbery, and burglary.¹ In addition it may be said that it also points to a large amount of private property and to a fairly complicated society needing detailed mention of its various essential controls, especially in the field of property relations. An interesting feature demonstrating rather high moral standards is that the finder of a lost article or animal is a thief if he retains what he found but is rewarded if he returns it to its owner. If a man who finds a lost or strayed animal fails to report it, he must restore seven animals in its place. Another interesting feature is that the slave who breaks into a house or granary must pay only half as much as the free-man for the same offense. Likewise the slave who steals vines or fruit pays only 6 shekels as compared with 12 for the freeman.

The land apparently was held by communities in common and assigned to individual cultivators according to the stipulations of the code, or it was under the king's control and held as a feudal grant. In either case, however, it had to be cultivated, and certain military duties had to be performed by its holder, or it reverted to the community or the king.

Another exceptional body of laws are those fixing wages, rentals, and prices (§§150-161, 172-186).² In the wage scale it is to be noted that the woman worker's wages are much less than a man's. On the other hand, the price of an unskilled female slave is the same as that of a male, that is, 20 shekels (§177). It

¹ *Origin and History of Hebrew Law*, p. 275, Chicago, 1931.

² These are to be compared with the Code of Hammurabi, §§215-217, 221-224, 234, 239, 242-243, 257-258, 261, 268-277.

would seem that supply and demand were either deliberately ignored in the ancient Babylonian and Hittite civilizations or that the cultures were so submissive to customary procedures that variations in supply and demand were not recognized. In spite of the classifications established, the fixed prices also seemed to ignore qualitative variations within the classes.

The legislation governing sexual matters is not so voluminous as in the Assyrian Code. It shows that sexual intercourse with animals was also considered as a cardinal offense, since, with the exceptions noted above, it was punishable by death. It adds the significant feature that certain incestuous relations do not carry the death penalty if both parties are willing. The Hittite Code also shows the usual distinction between promiscuous intercourse with women of the in-group and the out-group, the latter, on the whole, being allowable, if they are not acquaintances. Moreover, slave girls and harlots were common sexual property. There is also, in the several cases where the death penalty can be imposed for sexual offenses, the power of the king to grant a pardon.

The fact that almost no mention is made of requirements of even a remotely religious nature would indicate that this was a purely civil code. While there is much parallelism between this code and that of Hammurabi, and while the earlier code undoubtedly exercised a considerable influence, the Hittite Code seems to be a product of Hittite life and experience. Its tone is unique.¹ On the other hand, it moves in the same circle with the Babylonian, Assyrian, and the later Biblical Code, recognizing the same general principles and social classes and employing the same general procedures and penalties. The difference is one of degree in culture level and moral quality. An interesting fact found in the code repeatedly is that earlier customs or requirements, but especially penalties, are modified in the interest of humanitarianism. Equally evident is the fact that various cruel penalties found in both the Babylonian and Assyrian codes, such as forced labor, mutilations, castration, and impalement, are absent in this one. The death penalty is inflicted in only eight instances, and facial mutilation is only

¹ D. G. HOGARTH (*Cambridge Ancient History*, Vol. III, p. 154) is of the opinion that the Hittite Code was largely borrowed and hence does not clearly reflect Hittite life at all.

for slaves guilty of theft or arson. The general impression is that the Hittites at this time were a settled monarchical society possessed of an advanced agricultural and military civilization. It is obvious that the code that we have did not cover every aspect of their social organization, nor does it do more than suggest the various possible reaches of their life. But it does show clearly that the major life situations were subject to a high degree of control and that advanced, though not always consistent, conceptions of justice prevailed.¹

¹ For an excellent detailed analysis of the Code of Hammurabi and of the Assyrian and the Hittite codes see W. M. FLINDERS PETRIE, "Assyrian and Hittite Society," *Ancient Egypt*, pp. 18-28, March, 1924.

CHAPTER VI

THE SOCIAL THOUGHT OF ANCIENT PERSIA

I. THE UNDERLYING CULTURAL CONDITIONS

In directing our attention to ancient Persia, the social thought of an Aryan people is considered for the first time. While definite scientifically acceptable knowledge of the original homeland of the Aryans is still unknown, it is the opinion of many students that it was just north of the Himalayas, near the sources of the river Amu Darya on the tablelands of Central Asia. At any rate, in a series of great migrations these people settled two different regions of Asia and eventually occupied all of Europe. The two earliest migrations were down into India, probably before 2000 B.C. and to Persia or Iran in the southwest at possibly an even earlier date. These two peoples together constitute the Indo-Iranian branch of the Aryan race. The other migrations have come to be called those of the Armenians, Greeks, Romans, Teutons, Celts, and Slavs.

From the ancient land of origin, impelled undoubtedly by population pressure, came the Medes and Persians, the former perhaps an earlier migration. As they moved west they found the Mesopotamian region occupied by Sumerians and Akkadians. Hence they had to be satisfied with the south Caspian region, Elam, and the rugged valleys and broad tablelands of Iran, less fertile but also less densely occupied. The Babylonians, according to available records, knew of these people as early as the days of Naram-Sin (2557-2520 B.C.). They may be recognized under the name of Manda mentioned in the Hittite inscriptions as early as or earlier than 1300 B.C. Their first appearance in recorded history as a people of action is under the name of Amidai and Madai, and it was Shalmaneser III (859-824 B.C.), the Assyrian, who as opponent first brought them into the current of events. These early references to their existence, however, reveal very little about them. We do not know at how early a date they occupied the lands later identified with them or how

widely their territories extended. For centuries more they were complacently following their simple agricultural and herding life. During this hazy, early period they were developing a religious, political, and social philosophy which was to be a dominant influence in central and western Asia.

With Cyrus and his destruction of the Medean and the establishment of the Achaemenian dynasty the Persians suddenly and emphatically burst in upon the stream of history and, in the space of a single generation, during the reigns of Cyrus, Cambyses, and Darius I, established an empire which ranked second only to those later developed by Alexander the Macedonian and by Rome.

While extensive knowledge of the military campaigns is at hand, relatively little of a literary nature exists. The chief source for the general social philosophy of the times is, in fact, a body of religious literature known as the *Zend-Avesta* and the various Pahlavi texts which have been made available to the modern world in a roundabout way through the Parsis of India. Part of this literature, especially, of the *Yasna*, *Gathas*, *Yashts*, and the *Vendidad*, is the oldest and probably antedates the era of Persia's military supremacy, the so-called Achaemenian period (558-330 B.C.). Alexander the Great brought this period to a close, and during the time of his ascendancy in Persia much of the Avestan literature was destroyed, though, it must be magnanimously stated, probably by accident or carelessness. Nevertheless with the national power broken and most of the sacred books burned, this religious and social philosophy lived on. In the Sasanian empire or dynasty (A.D. 226-651) Zoroastrianism again flourished; and during the first century and a half of this period a desperate effort was made to collect the old, original literature. Various editings and commentaries on the ancient ideas and principles, composing practically all of the other Zoroastrian books, were made at this time. These are known as the Middle Persian or Pahlavi texts. Zoroastrianism now held its glory until the battle of Nehavand (A.D. 642) when the Mohammedan Arabs under the Kaliph Omar blotted it out in Persia. The people were forced to accept the *Koran*, flee, or die. Several remnants fled to western India, and Zoroastrianism migrated with them. Their descendants, known as the Parsis, survive to this day in and around Bombay. All that we have of this ancient

literature has come to us by way of the Parsis, among whom it has survived in relatively pure form. This is often the case with a cherished culture element retained by a culture group subjected to great cultural competition. One of the greatest periods of Parsi editing and comment was the seventeenth century. It was these various Parsi Avestan materials that Abraham Hyacinthe Anquetil-Duperron translated and published in 1771, making the western world his eternal debtor.¹

Just how important the Avestan literature and philosophy were in the empire of the Achaemenidae, or how great was the influence of Zoroaster, its great promoter, is not clear. At best, but speculations exist on this point. A mass of Parsi legend exists to the effect that Vishtaspa or Hystaspis, possibly the father of Darius I, was converted by Zoroaster and became the royal patron of his philosophy. The famous rock inscriptions of Darius on the mountain at Behistun, still legible, specifically mention Zoroastrian principles. Zoroastrianism is known to have become the state religion and spread over the whole of the great Persian Empire; and Marathon, Salamis, and Plataea alone prevented it from becoming possibly the supreme religion of Europe. In the main, however, the Avestan literature reflected the thought of a cohesive culture group, rather than that of a political unit.

The outstanding personality standing behind the Avestan thought of early Persia is Zarathustra or Zoroaster, the Latinized form. His work was known to the early Greeks and, through them, to the Romans. Herodotus, of the fifth century B.C., gives a remarkably accurate account of Zoroastrian tenets and practices. Pliny, in his *Historia Naturalia*, speaks of Zoroaster in nine separate passages. Plato, Aristotle, and Eudoxus also mention him, as do later writers such as Plutarch and Diogenes Laertius.² According to the accounts, Zoroaster was an Iranian Aryan of the locality known as Bactria, in the eastern part of the Persian area near the Hindu Kush mountains. The ancient references to him in the Greek classics almost uniformly

¹ Only fragments of what was once a most abundant literature are available. Pliny the Elder mentions 2,000,000 verses composed by Zoroaster (*Historia Naturalia*, Vol. XXX, pp. 1, 2.).

² M. M. DAWSON, *The Ethical Religion of Zoroaster*, p. xiv, New York, 1931.

ascribe his life to about 6000 years B.C. Other estimates place him around 1600 to 1400 B.C. But the best authorities, including those among the Parsis, assign him to the seventh and sixth centuries B.C., giving as his approximate dates 660–583 B.C. There is much legendary material regarding him. This, of course, is characteristic of all great founders of religion and great lawgivers. In the Zoroastrian literature, for example, are passages which maintain that the Sage's coming had been predicted ages before; that his birth was heralded by supernatural signs and omens and accompanied by wonders and prodigies. There is even some reference to an Immaculate Conception and a Virgin birth, though these may apply to One who was to come later.

At the age of twenty, like Gautama, without the consent of his father and mother, he wandered forth and gave himself to thought and study. In his late twenties he, like Jesus, had a time of retirement and seclusion to fight out his problems and establish his principles. At thirty he received a "call" and began his ministry. The call is quite common in the history of religious leaders; it is found also in the cases of Gautama, Moses, Jesus, John, and Mohammed. The core of the religion that Zoroaster established is found in Magianism, the ancient religion of the Iranian Aryans. Combined with this are principles, practices, and codes coming down through ages of successful adjustment, physical and social, in the Iranian setting. Zoroaster reemphasized certain of these ancient elements, introduced new ones, gave more vital interpretations to many of them, and suffused the whole with his dynamic personality. He seems to have been a man of penetrating mind and stirring individuality, well-fitted by nature to play the role of philosopher, teacher, humanitarian, prophet, and reformer. Though he probably wrote none of the literature of the *Avesta*, his influence was direct and actually or nearly contemporaneous in its older portions, especially, of the *Yasna*, the *Gathas*, *Yashts*, and the *Vendidad*.

The thought reflects its geographical, occupational, and social backgrounds. Persia is a land of high mountain ranges; rich, adequately watered and also semiarid plains and plateaus; deserts; fertile valleys; forests; and salt swamps. Parts of it are unbearably hot in summer, and other parts bitterly cold in winter.

In the days of Zoroaster, as now, agriculture and herding were the chief occupations, and, for the thrifty and hard-working, effort was well-rewarded. Hemmed in by mountains, seas, valleys and deserts at an early date, the Persians were a home-making and homekeeping folk, scattered about in small communities. Even in the days of the Empire there were few very populous cities. Through most of history the Persians have had little intercourse with the outside world. On the whole, the general setting demanded energy of body and mind, independence and a self-sufficiency, thrift, application, and familism. A robust morality and a philosophy of hard work could be anticipated.

II. THE SOCIAL THOUGHT

The social thought or the thought having clear-cut implications for the social scientist is not segregated in any part of the Avestan literature, nor is it anywhere systematically treated but must be found here and there. Hence no unity or sequence can be expected. An unmistakable social philosophy does, however, appear among the fragments and disconnected ideas. The more important divisions of this follow.

1. The Cornerstone of Behavior: The Moral Triad.—At the very heart of the Zoroastrian teachings is the great formula for successful and complete living, so intimately bound up with the quest for purity. Most of the social thought is, in fact, an elaboration of this formula. It is best expressed in the *Vendidad*.

Purity is for man, next to life, the greatest good; that purity is procured by the law of Mazda to him who cleanses his own self with Good Thoughts, Good Words, and Good Deeds.

Make thyself pure, O righteous man! Any one in the world here below can win purity for himself, namely, when he cleanses himself with Good Thoughts, Good Words, and Good Deeds.¹

In another passage we read:

I give praise unto well-thought, well-spoken, well-performed thoughts, words, and deeds; I abandon all evil thoughts, words, and deeds.²

¹ *Vendidad*, Fargard X, 19. The references are to the translations of the *Zend-Avesta* in the *Sacred Books of the East*, Vols. IV, XXIII, XXXI.

² *Ormazd Yast*, Introduction.

In several later passages it is presented from different angles.

Of the mind, good thoughts; of the tongue, good words; of the hand, good works; these make the virtuous life.¹

Oh thou, my perishable body, think good thoughts with thy mind! Oh thou, my perishable body, do good deeds with thy hand!²

That every thought, word, and deed, the consequence of which is joy, happiness, and worthy recompense . . . is well-thought, well-said, and well-done.³

The fiend of procrastination, in one of the older parts of the literature, makes this soothing plea to lovers of ease, a type of person much deplored by the ancient Persians:

Sleep on, poor fellow; the hour hath not yet struck. Fix not thy mind upon the three excellent merits, good thoughts, good words, good deeds! Rest rather thy mind now upon the three abominations, evil thoughts, evil words, evil deeds!⁴

In a beautiful passage in the twenty-second *Yasht* an account is given of the Good Man who has departed this life, and as his soul wanders amid plants and scents, his own conscience advances to him in a sweet-scented wind in the shape of a maiden, bright, strong, tall, beautiful, and noble. His soul addresses her:

What maid art thou? And she, being his own conscience, answered, "O, thou youth of good thoughts, good words, and good deeds, I am thine own conscience. Everybody did love thee, for that goodness and victorious strength in which thou dost appear to me. I was lovely and thou madest me still lovelier; I was fair and thou madest me still fairer; I was desirable and thou madest me still more desirable—through thy good thought, good speech, good deeds."⁵

2. The Philosophy of Work and Prosperity.—The practical aims and ends of Zoroaster are evidenced in the fact that the whole of creation is placed under the guardianship of six Amesha-Spentas or holy spirits. In addition to their regular portfolios of right, good mind, dominion, piety, well-being, and immortality, they also had the custody, respectively, of all useful domestic animals,

¹ *Nasks (Tahmura's Fragments)*, c. XXVIII, 57.

² *Aôgemaïde Nask*, 25.

³ *Dadistan-i-Dinik*, c. XXXVIII, 2.

⁴ *Vendidad*, Fargard XVIII, c. II, 17.

⁵ *Yasht* XXII.

fire and life-giving heat, metals and minerals, the earth, its cultivation and cleanliness, the purity of the water and water-courses, and, finally, all trees and vegetation.¹ Similarly Angro Mainyus or Ahriman, the Evil Spirit or devil, employed sixteen evils to retard the progress of and, if possible, destroy mankind.² Most of these reflect the utilitarian character of the thought. They impair resources, halt or reduce efficiency, or diminish the ranks of the workers. The great destructive evils are (1) the great serpent and winter which freezes water and earth and retards the growth of fruit-bearing trees and other vegetation useful to mankind; (2) the fly that stings and brings death to cattle; (3) sinful lusts and evil thoughts; (4) corn- (or barley-) eating ants; (5) doubt and unbelief in the creator; (6) wild beasts that are destructive to animal kind; (7) pride and tyranny; (8) unnatural sin or vice; (9) indolence and poverty; (10) idol and image worship; (11) devastation or plague; especially fevers and epidemics; (12) sorcery, witchcraft and wizards; (13) defiling the earth by burying corpses; (14) falsehood; (15) illness of women; and (16) excessive heat and raging flood.³

In another famous passage in the *Vendidad* Zoroaster further elaborates his philosophy of work and prosperity. For their encouragement and inspiration he gave to his people a saying in which he declared that Ahura-Mazda had revealed to him the five most sacred places, *viz.*, where the sacred fire burns; where homes are established with wife and children, with fire and plenty; where the most corn and fruit are raised; where the dry lands are irrigated, and marshy lands drained; and, finally, where the most fertilizer is produced. The text runs:

O Maker of the material world, thou Holy One! Which is the *first* place where the Earth feels most happy?

Ahura-Mazda answered: "It is the place whereon one of the faithful steps forward, O Spitama Zarathustra, with the holy wood [for the fire's altar] in his hand, the baresma [the bundle of sacred twigs which the priest holds in his hand while reciting the prayers], the holy meat in his

¹ *Gathas*, Yasnas (Chapters) XXVIII, XXXI, XXXIV, XLII, XLIII, XLIV, L, LI.

² Ahriman is contrasted to Ahura-Mazda, God, the Eternal Light, the source and creator of all good. These two forces, Good and Evil, are in continual opposition with each other.

³ *Vendidad*, Fargaard I.

hand, the holy mortar in his hand, fulfilling the law with love and beseeching aloud Mithra, the lord of wide pastures, and Rama Hvasstra [the god that gives good folds and good pastures to cattle]."

O Maker of the material world, thou Holy One! Which is the *second* place where the Earth feels most happy?

Ahura-Mazda answered: "It is the place whereon one of the faithful erects a house with a priest within, with cattle, with wife, with children, and good herds within; and wherein afterwards the cattle go on thriving, holiness is thriving, fodder is thriving, the dog is thriving, the wife is thriving, the child is thriving, the fire is thriving, and blessing of life is thriving."

O Maker of the material world, thou Holy One! Which is the *third* place where the Earth feels most happy?

Ahura Mazda answered: "It is the place where one of the faithful cultivates most corn, grass, and fruit, O Spitama Zarathustra! Where he waters ground that is dry or dries ground that is too wet."

O Maker of the material world, thou Holy One! Which is the *fourth* place where the Earth feels most happy?

Ahura-Mazda answered: "It is the place where there is most increase of flocks and herds."

O Maker of the material world, thou Holy One! Which is the *fifth* place where the Earth feels most happy?

Ahura-Mazda answered: "It is the place where flocks and herds yield most dung."¹

In another passage the production of crops is put forth as a great good.

O maker of the material world, thou Holy One! What is the food that fills the law of Mazda?

Ahura-Mazda answered: "It is growing corn again and again, O Spitama Zarathustra!

"He who sows corn sows holiness; he makes the law of Mazda grow higher and higher; he makes the law of Mazda as fat as he can with a hundred acts of adoration, a thousand oblations, ten thousand sacrifices.

When barley is coming forth, the Daevas [devils] start up; when the corn is growing rank, then faint the Daevas' hearts; when the corn is being ground, the Daevas groan; when wheat is coming forth, the Daevas are destroyed. In that house they can no longer stay, from that house they are beaten away, wherein wheat is thus coming forth. It is as though red-hot iron were turned about in their throats, when there is plenty of corn."²

¹ *Vendidad*, Fargard III, 1-6.

² *Vendidad*, Fargard III.

He advocated industry and preached a gospel of hard work. Work, the most effective agent in destroying the power of Angromainyus, had a sanctity all its own. The world is a battlefield, and life is an eternal combat between good and evil. One set of weapons consists of work and thrift. The good man carries on agriculture, restores the fertility and carefully utilizes the soil, cares for flocks and herds, produces abundant crops, builds up an estate, and creates a state of general prosperity.

His doctrine along this line may be well-summarized by means of the following sentences:

Content constantly against evil, strive in every way to diminish the power of evil; strive to keep pure in body and mind and so prevent the entrance of evil spirits who are always trying to gain possession of men. Cultivate the soil, drain marshes, destroy dangerous creatures. He who sows the ground with diligence acquires more religious merit than he could gain by a thousand prayers in idleness. Diligence in thy occupation is the greatest good work. To sew patch on patch is better than begging rich men for clothing. The man who has constantly contended against evil may fearlessly meet death. Death being a fact, have no fear of it, fear only not having lived well enough. Indulge not in slothful sleep lest the work which needs to be done remains undone. The cock lifts up his voice with every splendid dawn and cries: Arise, ye men, and destroy the demon that would put back the world in sleep. Long sleeping becomes you not; arise, 'tis day; who rises first comes first to paradise! In whom does Ahura-Mazda rejoice? In him who adorns the earth with grain and grass, who dries up moist places and waters dry places. He who tills the ground is as good a servant of religion as he who offers ten thousand prayers in idleness.¹

In conformity with his own doctrine, but quite contrary to the usual spirit of the Orient, Zoroaster prohibits fasting, self-torture, excessive grief, everything calculated to enervate or injure the body or to reduce the power of the will. Asceticism is for him a sin because it causes one to waste one's opportunities; it thwarts natural powers and makes one a parasite.

No one who does not eat has strength to do heavy work, strength to do works of husbandry, strength to beget children. By eating, every material creature lives. By not eating, it dies away.²

¹ *Vendidad*, Fargard XVIII. Collected and arranged by A. W. MARTIN, *Seven Great Bibles*, pp. 111-112, New York, 1930.

² *Vendidad*, Fargard III, 33.

Of two men he who fills himself with meat is filled with the good spirit much more than he who does not do so; the latter is all but dead; the former is above him by the worth of an asperena, by the worth of a sheep, by the worth of an ox, by the worth of a man.

It is this man that can strive against the onsets of Asto-vidhotu [a bone-breaking evil spirit]; that can strive against the self-moving arrow; that can strive against the winter fiend, with the thinnest garments on; that can strive against the wicked tyrant and smite him on the head; it is this man who can strive against the ungodly Ashemaogha [the deceiver fiend] who does not eat.¹

Finally, waste should be avoided.

Ahura-Mazda, in sooth, doth not suffer us to waste anything that we may possess, not even so much as an asperena's weight of thread, not even so much as a maid lets fall in spinning.²

Clothing or any other article touching a dead body was defiled and had to be destroyed. Hence good men were forbidden to waste good clothing by throwing it over corpses.

Whosoever throws any clothing on a dead body, even so much as a maid lets fall in spinning, is not a pious man whilst alive, nor shall he, when dead, have a place in the happy realm.³

3. The Denunciation of the Liar.—The ancient Persian had an almost fanatical hatred of the liar.⁴ The person who spake falsely was the most despicable of all types and the first condemned, because he was the foe of truth, and truth was indispensable in human relations. Good words are truthful words; right means first and foremost the truth. "The best thing is truth, and the worst thing is falsehood."⁵ The *Yasnas* of the *Gathas*, mainly spoken by the mouth of Zoroaster himself, it is thought, have saying after saying bearing on this subject.⁶

¹ *Vendidad*, Fargaard IV, 48–49.

² *Vendidad*, Fargaard V, 60.

³ *Vendidad*, Fargaards V, VIII, 61.

⁴ Herodotus said of the Persians, "The basest thing with Persians is to lie; and next it is to be in debt, for this reason, among many others, that he who is so must needs sink to lying at last." *Natural History*, Vol. I, p. 183.

⁵ *Dinkard*, XII, 40.

⁶ *Gathas*, *Yasnas* XXI, 12; XXXI, 1; XXXII, 4, 5; XXXIV, 4; XLIII, 3, 4, 8; XLIV, 14; XLVI, 6; XLVIII, 2, 11; LIII, 6.

All men are warned against the liar. "Let none of ye attend the liar's words and commands. He leads house, clan, district, and country into misery and destruction. Resist them, then, with weapons."¹ No man who wishes to be looked upon as good and worthy should have any traffic with a liar, "For he is himself a liar who is good to a liar."² In fact, the good citizen is definitely admonished to show ill to the liar.

Whoso worketh ill for the liar, in word or thought or hands, or converts his dependents to the good—such men meet with the will of Ahura-Mazda, to his satisfaction.³

Whether one be lord of little or of much, he is to show love toward the righteous but be ill toward the liar.⁴

4. The Obligations to Fellow Men.—At the head of the list is the Zoroastrian statement of the almost universal golden rule and its accompanying law of love. The great social rule is negatively stated.

That nature alone is good which shall not do unto another whatever is not good for its own self.⁵

Closely bound to this thought content is the passage that immediately follows it in the scriptures.

And this, too, was considered by them, that one should become the friend of every man, and this is thy nature; also should bring them forward into a good life, and this is thy wisdom; also think of them as thine own, and this is thy religion; and, through them, bring happiness unto thyself, and this is thy very soul.⁶

The principle of love is stated in the words

When men love and help one another to the best of their power, they derive the greatest pleasure from loving their fellow men.⁷

The specific duties involved in these two general rules are well stated in the two following passages which come from the writings of the Sasanian period.⁸

¹ *Gathas*, Yasna XXXI, 18.

² Yasna XLVI, 6.

³ Yasna XXXIII, 2.

⁴ Yasna XLVII, 4.

⁵ *Dadistan-i-Dinik*, c. XCIV, 5.

⁶ *Ibid.*, 6.

⁷ Dinkard, VIII, 454.

⁸ These Sasanian writings, known as the *Pahlavi Texts*, were the copies

The greatest concerns of men are these, to make him who is an enemy a friend, to make him who is wicked righteous, and to make him who is ignorant learned.¹

Him who is less than thee consider as an equal, and an equal as a superior, and a greater than him as a chieftain, and a chieftain as a ruler. And among rulers one is to be acquiescent, obedient, and true-speaking; and among accusers be submissive, mild, and kindly regardful.²

A considerable number of specific commandments, obligations, and responsibilities are presented in the various texts. In the *Dina-i Mainog-i Khirad*, just referred to, are found the following statements:

Commit no slander; so that infamy and wickedness may not happen unto thee. For it is said that slander is more grievous than witchcraft.

Form no covetous desire; so that the demon of greediness may not deceive thee, and the treasure of the world may not be tasteless to thee, and that of the spirit unperceived.

Indulge in no wrathfulness, for a man when he indulges in wrath becomes then forgetful of his duty and good works . . . and sin and crime of every kind occur unto his mind, and until the subsiding of the wrath he is said to be just like Ahriman [the devil].

Suffer no anxiety, for he who is a sufferer of anxiety becomes regardless of enjoyment of the world and the spirit, and contraction happens to his body and soul.

Commit no lustfulness, so that harm and regret may not reach thee from thine own actions.

Bear no improper envy, so that thy life may not become tasteless.

Practice no sloth, so that the duty and good work, which it is necessary for thee to do, may not remain undone.

Thou shouldst be diligent and moderate, and eat of thine own regular industry.

Do not extort from the wealth of others; so that thine own regular industry may not become unheeded. For it is said that: "He who eats anything not from his own regular industry but from another, is such-like as one who holds a human head in his hand and eats human brains."

and collections of the Avestan literature made during part of the Sasanian epoch (A.D. 226-380) in an effort to repair the great loss of texts during the dark centuries after Alexander. The material, of course, goes back to the Achaemenian dynasty. The copies now available, however, are of Parsi workmanship and were written in the seventeenth century A.D. in the neighborhood of Bombay.

¹ *Shayast-La-Shayast*, c. XX, 6.

² *Dina-i Mainog-i Khirad*, XX, 3-7.

Thou shouldst be an abstainer from the wives of others; because all these three would become disregarded by thee, alike wealth, alike body, and alike soul.¹

Very wise information is given as to how to respond to people with whom one unavoidably has relationships at times.

With enemies fight with equity. With a friend proceed with the approval of friends. With a malicious man carry on no conflict, and do not molest him in any way whatever. With a greedy man thou shouldst not be a partner, and do not trust him with the leadership. With a slanderous man do not go to the door of kings. With an ill-famed man form no connection. With an ignorant man thou shouldst not become a confederate and associate. With a foolish man make no dispute. With a drunken man do not walk on the road. From an ill-natured man take no loan.²

Several injunctions of an economic-legal nature appear. The good man should return things he has borrowed, keep a contract, refrain from practicing usury among the faithful, avoid accumulating excessive riches.

He that does not restore a thing lent when it is asked for back again steals the thing; he robs the man. So he does every day, every night, as long as he keeps in his house his neighbor's property as though it were his own.³

Break not the contract, O Spitama! Neither the one thou hadst entered into with one of the unfaithful nor the one that thou hadst entered into with one of the faithful, who is of thine own faith.⁴

The *Vendidad*⁵ makes taking interest on loans to others of the faith "the worst sin." But this is not applicable to those not of the faith. This distinction is sometimes forgotten, for "he knows that it is lawful to take high interest, but he does not know that it is not lawful to do so from the faithful."

Men are enjoined to practice charity, to succor the poor, and extend hospitality to all good men. The saving power of philanthropy is expressed in the statement, "A man's body is protected

¹ *Ibid*, II, 8-30, 42-51.

² *Ibid.*, II, 52-63.

³ *Vendidad*, Fargaard IV, 1.

⁴ *Mihir Yast*, c. I, 2.

⁵ Fargaards III, CIV, 41-42.

in this world by philanthropy.”¹ Generosity and charity are admonished thus:

He hath promoted nought, O Zoroaster, nor shall he promote ought . . . who hath not rejoiced and who rejoiceth not the righteous man that cometh within his gates; for they, O Spitama Zoroaster, shall enter into Paradise, who are most generous to the righteous and who least vex their souls.²

Those who do not aid those of the faith are condemned, for “they seek not after righteousness; they seek not to succor and maintain the poor follower of the Holy Law.”³ There is great reward for those who do help their own. “Whosoever shall give meat to one of the faithful, as much of it as the body of this Parodars bird of mine [a very small quantity], I, Ahura-Mazda, need not interrogate him twice; he shall go to Paradise.”⁴ There is one passage which does not connote sectarian obligations: “As far as possible, one should not partake of food till after feeding the needy.” Finally we are told, “The greatest good work is liberality.”⁵

Presumption, arrogance, and haughtiness are presented in the light of ultimate results or more abiding tests and values.

Thou shouldst not become presumptuous through any happiness of the world; for the happiness of the world is such-like as a cloud that comes on a rainy day, which one does not ward off by any hill.

Thou shouldst not be too much arranging the world; for the world-arranging man becomes spirit-destroying.

Thou shouldst not become presumptuous through much treasure and wealth; for in the end it is necessary for thee to leave all.

Thou shouldst not become presumptuous through predominance; for in the end it is necessary for thee to become non-predominant.

Thou shouldst not become presumptuous through respect and reverence; for respectfulness does not assist in the spiritual existence.

Thou shouldst not become presumptuous through great connections and race; for in the end thy trust is on thine own deeds.

Thou shouldst not become presumptuous through life; for death comes upon thee at last.⁶

¹ *Dinkard*, VII, 453.

² *Nasks (Tahmura's Fragments)*, 105-109.

³ *Ibid.*, c. XLIV, 100.

⁴ *Dinkard*, IX, 638.

⁵ *Dina-i Mainog-i Khirad*, IV, 3.

⁶ *Dina-i Mainog-i Khirad*, II, 98-113.

5. An Evaluation of Wealth.—The Zoroastrian literature very definitely questions the procedures essential to the acquisition of wealth, the validity of amassed wealth, and the social value of many wealthy men. In a fine passage in the *Dina-i Mainog-i Khirad* we read:

The sage asked the spirit of wisdom thus: "Is poverty good, or opulence?"

The spirit of wisdom answered thus: "Poverty which is through honesty is better than opulence which is from the treasure of others. For it is stated thus: 'As to him who is the poorest and most secluded person, whenever he keeps his thoughts, words, and deeds honest . . . for him even there is lawfully a share of all the duties and good works which mankind shall do in the world. As to him, too, who is opulent, who is a man of much wealth, when the wealth is not produced by honesty, though he takes trouble in duties and good works and righteous gifts, his good work is then not his own, because the good work is his from whom the wealth is abstracted.

" 'And as to that much wealth which is collected by proper exertion, and one consumes and maintains with duties and good works and pleasure, even that is no better thereby, because it is necessary to consider that as perfect. But as to him who is a man of much wealth, whose wealth is collected by proper exertion, and he consumes and maintains it with duties and good works and pleasure, he is great and good and more perfect.' "

¹

While the last sentence of the passage just quoted seems to justify wealth under certain conditions, another well-known passage definitely admonishes against the striving for great wealth. In the *Dinkard* we read, "That man has the worst desires who thinks it right to amass the riches of this world."²

6. Good Government.—Both the ruler and the nature of good government are discussed. In the *Gathas* the plea is made to Ahura-Mazda for a good ruler.

Let the good kings obtain the rule. Let not the evil monarchs govern us, but let the righteous gain the day and rule us, with deeds done in good discernment.³

In the *Vistasp Yast* the quality of the ruler rests upon a religious valuation.

¹ XV, 1-11.

² III, 129.

³ Yasna XLVIII, 5.

He wieldeth his power according to the will of Ahura-Mazda, the spirit of good, and for the destruction of the spirit of evil; whichever of two rulers goeth quicker to perform the sacrifice and prayer in not the right way, he doth not rightly wield the power and he may not reign. Such an one shall suffer ill in the next world, though he be the sovereign over a land, with brave steeds to mount and brave chariots to drive. Give thou, O Zoroaster, the crown unto him who with a good will giveth the sway unto thy teachings!¹

While the civil requirements in the definition of a good government are almost inextricably bound up with the religious, the general civil nature of its function is nevertheless quite clear.

Good government is that which maintains and directs a province flourishing, the poor untroubled, and the law and customs true, and sets aside improper laws and customs. It . . . keeps in progress . . . good works. It causes friendliness and pleading for the poor. . . . If there be any one who desists from the way of the sacred beings, then it orders some one to effect his restoration thereto . . . it allots, out of the wealth that is his, the share . . . of good works and the poor. . . . A good king, who is of that kind, is called equal to the angels and archangels.²

Justice and the duties to the Creator are put on the same plane, as fundamental obligations.

Why are we men produced in the world, and what is it that we must do therein?"

The answer to this is . . . that man was created to do justice and to do for his Creator that which is acceptable to him.³

7. The Home, Family, Children, and Sex Relations.—The home and homestead constitute one of the most important places on earth.

The *Vendidad* records this question and reply:

Oh Maker of the material world, thou Holy One, which is the second place where the earth feels most happy?"

Ahura-Mazda made answer and said, "It is the place whereon one of the faithful erecteth a house with a priest [householder?] within, with cattle, with a wife, with children, and good herds within; and wherein afterwards the cattle continue to thrive, virtue to thrive, the dog to

¹ C. VII, 47-48.

² *Dina-i Mainog-i Khirad*, XV, 16-26.

³ *Dadistan-i-Dinik*, c. VII, 1, 2.

thrive, the wife to thrive, the child to thrive, the fire to thrive, and every blessing of life to thrive."¹

Marriage and children are highly recommended. In fact, celibacy is utterly condemned; the unmarried of both sexes are looked upon with disfavor, and continence in the married state is most emphatically not celebrated as purity. These views are demonstrated in the succeeding passages.

Verily say I [Ahura-Mazda] unto thee, O Spitama Zoroaster, he that hath a wife is far above him that liveth in continence; he that maintaineth a household is far above him that hath none; he that hath children is far above him that hath no child.²

Every man that has a material body should regard his own marriage as a good work incumbent on him to perform . . . and he should promote the marriage of others.³

Unhappy is the land that hath long lain unsown with the seed of the sower and wanteth a good husbandman, like unto a well-shaped maiden that hath long gone childless and wanteth a good husband.⁴

The *Ashi Yast* declares that among the evils of the world, "This is the worst deed that men and despots commit, when they deprive maids, who have long been unfruitful, of marrying and bringing forth children."⁵ Zoroaster presents from this same *Yast* the following maiden's prayer: "Grant us, O Vayu [the genius of fruitfulness] . . . that we may find a husband, young and beautiful in person, who will treat us well our lives long and bless us with offspring."⁶

Zoroaster also relates a vision that he had in a dream: "I beheld a rich man without children, and he was not exalted in mine eyes; and I beheld a poor man with many children, and he was exalted in mine eyes."⁷

The very sex act itself, within the married relation, is glorified. "Frequent repetition of the act of propagating the offspring is an act of great worth."⁸ This is entirely proper, for "the man and

¹ Fargaard III, c. I.

² Fargaard IV, c. IIIb, 47.

³ *Dinkard*, IX, 609.

⁴ *Vendidad*, Fargaard III, c. III, 24.

⁵ c. X, 59.

⁶ c. X, 39.

⁷ *Bahman Yast*, c. II, 13.

⁸ *Dinkard*, IX, 639.

woman were by him [Ahura-Mazda] also made to lust and thereby became father and mother of mankind upon the earth. . . . And the law and the religion authorized this as a proper desire . . . the entire progress of the world is joined and will flow therefrom until the end of the world."¹

In entire consistency with its general philosophy regarding the importance of a continuous reproductory process, the ancient Persian literature condemns abortion and birth control. In the *Vendidad* we find the following rather lengthy statement regarding abortion:

If a man come near unto a woman, either dependent upon the head of a household or not so dependent, either married or unmarried, and she conceive by him, let her not, being ashamed before the people, produce the menses in herself, against the course of nature, by means of water and of plants.

And if the woman, being ashamed before the people, shall produce the menses within herself against the course of nature, by means of water and plants, it is a fresh sin, as grievous as the first.

If a man come near unto a woman, either dependent upon the head of a household or not so dependent, either married or unmarried, and she conceive by him, let her not, being ashamed before the people, destroy the fruit in her womb; and if the woman, ashamed before the people, shall destroy the fruit in her womb, the sin is upon both the man and herself: the murder is both upon him and upon her; both he and she shall pay the penalty for wilful murder.

If a man come near unto a woman, either dependent upon the head of a household or not so dependent, either married or unmarried, and she conceive by him, and she saith unto him, "Lo, I have conceived by thee!" and he answer, "Go, then, unto the beldame and ask her for a drug that she may procure thee a miscarriage," and the woman goeth unto the beldame and asketh her for a drug that may procure for her a miscarriage, and the beldame giveth her banga or shaeta, a drug that killeth in the womb or expelleth from the womb, or some other drug that causeth miscarriage, and he say unto her, "Cause thou thy fruit to perish!" and she cause her fruit to perish, the sin is then upon the heads of all three, the man, the woman, and the beldame.²

Any form of birth control is evil, especially the wasting of the seed.

¹ *Dadistan-i-Dinik*, c. LXXVII, 4-6.

² Fargaard, c. II a, b, 9-13.

He that wasteth seed useth to cause the death of progeny. If this were practiced in every case, producing a foul cessation of the procreation of mankind, all human life would come to an end; and certainly conduct which, if indulged in by all, would depopulate the world is, and furthereth, the dearest wish of Ahriman.¹

The child of the betrayed woman must be supported by its father.

If a man come near unto a woman, either dependent upon the head of a household or not so dependent, either married or unmarried, and she conceive by him, so long shall he support her, until the child is born. If he shall not support her and on that account the child shall come to grief, he shall for his crime pay the penalty of wilful murder.²

Adultery is condemned. "Thou shouldst be an abstainer from the wives of others; because all these three would become disregarded by thee, alike wealth, alike body, and alike soul."³

It is the duty of a father to provide for his daughter or a brother to arrange for his sister a husband of the faith.

He shall . . . give in marriage unto one of the faith a virgin, whom no man hath known. . . . "Oh thou Creator of the material world, thou Holy One, what sort of a virgin?" Ahura-Mazda made answer and said, "His sister or his daughter, of full age, with earrings in her ears, past her fifteenth year."⁴

As to the type of a woman to marry, it is said, "Let your love ever be for a foresighted and modest woman, and marry such a one only."⁵ Similarly the wife who is highly approved is described as follows:

The woman who is young, who is properly disposed, who is faithful, who is respected, who is good-natured, who enlivens the house, whose modesty and awe are virtuous, a friend of her own father and elders, husband and guardian, handsome and replete with animation is chief over the women who are her own associates.⁶

¹ *Dadistan-i-Dinik*, c. LXXVII, 11.

² *Vendidad*, Fargard XV, c. IIb, 15-16.

³ *Menuk-i-Khrat*, 12.

⁴ *Vendidad*, Fargard XIV, 15.

⁵ *Andarz-i-Ataport i Marashand*.

⁶ *Menuk-i-Khrat*.

In one of the *Yasts* the virtuous wife is spoken of as "the saintly woman, rich in good thoughts, good words, and good deeds, well-principled and obedient to her husband."¹ While her opposite is described as "the devilish woman, rich in evil thoughts, evil words and evil deeds, evil religion, ill-principled, and disobedient to her husband."²

8. Hygiene and Sanitation.—The laws of purification compose a large part of the *Vendidad*, but the procedure is mainly a ceremonial one, and its chief concern is that of expelling demons from the body due to the pollution of death or avoiding demons bound up with dead matter whether in the form of outgoing breath, the parings of nails, or the cut or shaved hair; the pollution of disease; or the menstruation or childbirth of women. Incidentally, however, some of the rules have specific significance in the prevention of contamination, the prevention of epidemics, and personal hygiene. For example, the pollution of the earth by dead bodies is prohibited, and serious penalties attached.³ Fairly sound principles are established regarding the pollution of a pond or stream and the means of correction.⁴ The placing of the corpse in the dakhma, where it is quickly consumed by vultures and wolves, results in rapidly disposing of it.⁵ Part of the process of cleansing garments defiled by death and illness is sound in the light of modern knowledge.⁶ A house in which there has been a corpse should be fumigated.

If a dog or a man die within a house or a tent, what shall the worshippers of Ahura-Mazda do?

Ahura-Mazda answered, "They shall search for a dakhma; they shall look all about for a dakhma. If they find it easier to remove the dead, they shall do so and permit the house to stand and shall fumigate it with garlic or benzoin or aloes or pomegranate or some other pungent plant. If they find it easier to remove the house, they shall do so, leaving the dead lying upon the spot, and shall fumigate the house with garlic or benzoin or aloes or pomegranate or some other pungent plant."⁷

¹ XXII, c. II, 18.

² V. 36.

³ *Vendidad*, Fargaard III, c. IV, 36-39.

⁴ Fargaard VI, c. III, 30-32, 39-41.

⁵ Fargaard VI, c. V, 44-51.

⁶ Fargaard VII, c. III, 12-22

⁷ Fargaard VIII, c. I, 1-3.

Possibly to prevent contagion, as well as to avoid contact with the foul demon, the touching of a dead body is prohibited.¹ Nail parings and cut hair must be disposed of.²

9. The Law of the Vendidad.—Herodotus and Diodorus make occasional mention of Persian laws, especially of the Achaemenian period. In the Old Testament reference is also made to the "law of the Medes and Persians which altereth not." But no ancient Persian civil codes or lists of legislation are available thus far. The only semblance of a code that we do have is a mixture of religious and civil regulations which comes down to us in the *Vendidad*. It is safe to assume from what we do know that the *Vendidad* was not the working law of the Persian Empire, as the Code of Hammurabi was in Babylonia for a succession of dynasties and as the Assyrian and Hittite codes may have been among their respective peoples. But that it had a dominant influence, even in higher circles, is equally certain. Its significance was religious rather than civil. It has, in fact, been referred to as the Zoroastrian Pentateuch.³ Perhaps some day the great Persian civil codes themselves will be found.

In the *Vendidad* we are furnished with considerable material regarding the laws and ordinances in force among the Avestan people, probably in effect long before Cyrus. While there are other sets of laws in the Zoroastrian literature—seven, to be exact⁴—the others are incomplete and of later date and scene. Much of this legal matter has been touched upon under other headings. The object here is merely to outline its general nature.

The fact that these laws are so intimately bound up with religion creates a serious difficulty in determining their place in the social organization of the times. For religious influence adds an emotional element and a supernatural intent which disguise the fundamental part of the laws in the social scheme. At the same time, these laws undoubtedly did have outstanding significance in the daily lives of large numbers of people. While Zoroaster was undoubtedly a genius, this genius expressed itself partly in his

¹ Fargaard VIII, c. VI, 33.

² Fargaard XVII, I, II.

³ A. G. BROWNE, *A Literary History of Persia*, Vol. I, 30, Cambridge, England, 1929.

⁴ M. N. DHALLA, *Zoroastrian Civilization*, p. 95, Oxford, 1922.

activity as a condenser, crystallizer and writer of social and religious thought and customs which had been current in certain sections of the Iranian region or among earlier Aryan clans for centuries. It is equally true that moral and social requirements promulgated under religious influences or auspices reflect usually the best thought as to general social behavior requirements. Finally, while Zoroaster was in a sense a lawgiver, this function was only incidental to his career as an ethical and social reformer and religious founder and leader. The *Vendidad* law thus has significance as part of his general program of social and moral reform and reconstruction.

In the *Vendidad*, the god Ahura-Mazda himself is represented as laying down rules and precepts for the conduct of man in his relation to society and with reference to the general conduct of his life on earth. Since the program is a broad one, we find this list to be a collection of religious, ethical, ecclesiastical, ritualistic, social, economic, penal, and hygienic laws. Those laws of it that have secular significance conveniently fall into five classes or groupings: first, those dealing with crimes against morality, such as adultery, abortion, and unnatural crime; second, crimes against property, involving breach of contract, loans and interest, theft and robbery; third, crimes against the person, especially outrages, assaults and wounds, and manslaughter and murder; fourth, crimes against private and public health, taking the form of defilement and uncleanness and dealing with burial of the dead, contagion, illnesses, and all that contaminates the earth, air, fire, or water; and, fifth, crimes against animals (ill-treating, ill-feeding, and other forms of cruelty). There are also various odds and ends of law on a number of other subjects which make it fairly comprehensive in its coverage of social situations. Interesting in this latter connection are those concerned with the responsibility of kinsmen, the probation of physicians and their fees, and the numerous penalties of all kinds. At best, however, the civil intent of this law is most vague and unsatisfactory. The laws are not segregated in any one part of the *Vendidad*, nor do they appear in any systematic arrangement. They are scattered through Fargaards IV, V, VI, VII, VIII, XVI, XVII, and XVIII.

In addition to legislation mentioned in preceding sections and now recognized as falling in one or the other of the above cate-

gories, the following may be presented as further standard types. Among the numerous passages dealing with assaults we find the following:

If a man rise up to smite a man, it is an *agerepta* [*i.e.*, seizing a weapon with a view to smiting another]. If a man come upon a man to smite him, it is an *avaoirista* [brandishing a weapon with a view to smiting another]. If a man actually smite a man with evil aforethought, it is an *aredus* [*i.e.*, when a man actually smites another with a weapon but without wounding him or inflicts a wound that is healed within three days]. Upon the fifth *Aredus* [*i.e.* the sixth commission] he becomes a *Peshotanu* [*i.e.*, he shall receive 200 stripes or shall pay 1200 dirhems].¹

One of the laws on defilement runs as follows: "O Maker of the material world, thou Holy One! If a man shall throw on the ground the whole body of a dead dog, or a dead man, and if grease or marrow flow from it on to the ground, what penalty shall he pay?" The answer is 1000 stripes.²

Another block of interesting legislation deals with the probation of physicans and their fees.³ Physicians must first practice on unbelievers. If they are successful, then they may treat the faithful. The fees are graded by both rank and sex somewhat in the manner of the Code of Hammurabi.

A healer shall heal a priest for a holy blessing; he shall heal the master of a house for the value of an ox of low value; he shall heal the lord of a borough for the value of an ox of average value; he shall heal the lord of a town for the value of an ox of high value; he shall heal the lord of a province for the value of a chariot and four.

He shall heal the wife of the master of a house for the value of a she-ass; he shall heal the wife of the lord of a borough for the value of a cow; he shall heal the wife of the lord of a town for the value of a mare; he shall heal the wife of the lord of a province for the value of a she-camel.

He shall heal the son of the lord of a borough for the value of an ox of high value; he shall heal an ox of high value for the value of an ox of average value; he shall heal an ox of average value for that of an ox of low value; he shall heal an ox of low value for the value of a sheep; he shall heal a sheep for the value of a meal of meat.⁴

¹ Fargaards IV, III a, 17.

² Fargaards VI, II, 245.

³ Fargaards VI, VIIa, VIIb.

⁴ Fargaards VII, VIIb, 41-43.

A variety of punishments appear in the Zoroastrian literature, including flogging, fines, bodily mutilations, death, exclusion from participation in social or religious festivals, penal servitude, branding, and compelling the criminal to kill a certain number of noxious animals. In the *Vendidad* flogging is the almost universal penalty, the punishment prescribed in some cases amounting to as much as 10,000 stripes. It is inconceivable how anyone could endure that many blows and survive. The old German law required a maximum of only 200; and the Hebrew law, 40. Another interesting feature is the progressive increase of the punishment with each repetition of the offense. Thus for assault resulting in a light wound the penalty for the first offense is 15 stripes; for the second, 30; the third, 50; the fourth, 70; and the fifth, 90. If the culprit refuses to take his punishment voluntarily, he shall be subject to force and receive 200 stripes.

10. Progress and Messianism.—The spirit of progress animates the entire Zoroastrian literature. Zoroaster impressed on his followers the necessity of helping the world to go forward. This is a duty not to be shirked. All effort is directed to this end. In one of the oldest *Gathas* is the prayer, "May we be such as those who bring on this great renovation and make this world progressive till its perfection shall have been reached."¹ Similarly in the *Dadistan-i-Dinik* the question is asked, "For what purpose is a righteous man created in the world, and in what manner is it necessary for him to live in the world? The reply is this, that the Creator created all creatures for progress, which is his wish; and it is necessary for us to promote whatever is his wish that our wish may be realized."²

There is also in the Zoroastrian literature a millennial period with a Messiah in the form of a distant descendant of Zoroaster. Of him it is declared, "As to the renovation of the universe and the future existence, it is declared that they arise in his time."³ This material is thought to be the product of a later age, when trials and tribulations readily produced utopianistic thought.

¹ Yasna, XXX, 9.

² c. III, 1, 2.

³ *Dinkard*, XIV, 12-15.

CHAPTER VII

THE SOCIAL THOUGHT OF EARLY INDIA

I. THE BACKGROUNDS OF THE PERIOD

The subcontinent of India is a vast tract of land extending from the hottest equatorial regions in the south to far within the temperate zone. Its greatest dimensions north and south and east and west are about the same, some 1900 miles. It falls chiefly into three regions: the rough and broken mountainous areas of the Himalayas on the north; the broad, fertile river plains, with temperate climate, south of the Himalayas traversed by the Indus and the various Gangetic tributaries rising in the Himalayas and flowing generally in a southerly direction, known as the Middle Lands—a section on the whole most conducive to the development of a great civilization—and, finally, the southern three-sided tableland constituting the peninsular portion.

During the period preceding the Persian and Greek invasions, the period of interest to us, several different racial stocks are involved. Modern students believe that we must begin with a pre-Dravidian people, the earliest indigenous aborigines occupying the hills and jungles of the more isolated regions. Next are the Dravidian stocks, until recently thought to be the original aboriginal inhabitants but now quite generally believed to be very early migrants from Western Asia, who brought their language with them. Then about 2400 B.C. began the long migratory waves of the Indo-Aryans, the racial brothers of the early Persians, which lasted until approximately 1500 B.C.¹ These came from the Bactrian region, over the passes of the Hindu Kush into South Afghanistan, and thence down the river valleys into north-central and middle India. They never got into the peninsular area proper. These are the real culture peoples of India. These stocks, along with later invaders and contiguous races, have produced various mixtures. Notable are the Turko-

¹ *Cambridge History of India*, Vol. I, pp. 41ff., Cambridge, 1922.

Iranian types, the Scytho-Dravidian, Aryo-Dravidian, the Mongoloids (of Burma, for example), and Mongolo-Dravidian mixtures. Of these various stocks the Sanskrit-speaking Aryans are the ones of significance in our study, since they were responsible for most of the thought of consequence that has come out of India. They dominated not only the thought but the entire culture and history of India.

Since the first exact date in the story is 326 B.C., the year when Alexander invaded India, we must depend on the ancient Indo-Aryan literature for our knowledge, vague at best, of early life in India. The chief source is the *Rig-Veda*, a collection of 1017 hymns arranged in ten books of unequal size. These constitute a sort of Hindu *Iliad* and *Odyssey*. While the hymns consist mostly of invocations to the gods, they throw some little light on the social and political conditions of earliest Aryan India, giving miscellaneous information regarding life and thought. The earliest hymns show the Aryans up on the northwestern frontiers starting south and east. Later hymns reflect a more settled society in the broad stretches of Hindustan. Mention is made of the overthrow and the enslavement of the dark-skinned Dravidians. The hymns show substantial matrimonial and domestic institutions. The patriarchal family and mainly monogamic marriage were in effect; the standard of female morality was fairly high; women lived under the protection of their fathers, then when married under their husbands, and if unmarried, and the father dead, under the control of the eldest brother; dowry and bride price existed with apparently a high value placed on marriage; the parent-and-child relation was an affectionate one; the parental rights were large and occasionally cruelly exercised; the head of the family was also the owner of the property of the family; finally, several generations lived under one roof, the sons as they married remaining part of the patriarchal family.

The early hymns show that caste in the later sense was unknown, but the Aryan tribesmen were divided into four grades, which later became the castes. These were the Brahmins or sacrificing priests; the Kshatriyas or nobles, who claimed descent from the early leaders; the Vaisyas or peasantry; and then the Sudras, the hewers of wood and drawers of water, mainly of non-Aryan descent. Mention is also made of eighteen different guilds of workpeople, such as the woodworkers, stoneworkers,

metalworkers, weavers, leatherworkers, and potters. This points also to some specialization in industry.

The political organization centered around the king, who led the army in war and is mentioned as the patron of poets and artists. There was also an assembly. The king exercised both criminal and civil jurisdiction, with some assistance.

The economic life was primarily pastoral, with cattle the most important beasts, and horses ranking next. Agriculture was a definite part of the Vedic economy, the practice of ploughing being repeatedly mentioned. Property was definitely institutionalized and was passed on by inheritance. The most frequently mentioned crimes were theft, including burglary and highway robbery. The standard of value seems to have been the cow, and in the early days coins were unknown. There was no city life, but the village community was the heart of the life of the people, as it is to this day.

Chariot racing was the greatest amusement, as it invariably was among the ancient peoples having the horse. Dancing had both recreational and religious significance. The religion was most elaborate, being a complicated nature worship. The language was Indo-European, though the Indian alphabet presently came to be Semitic in nature, supposedly owing to the fact that Dravidian ocean traders brought it back from Babylon in the seventh century B.C.¹

Later India departs in minor ways from this early scheme of life. Small, more or less independent tribal states appear; accumulated and concentrated wealth comes into the picture; caste lines are very closely drawn; religious practices become more absorbing; cities develop; but, in the main, the general characteristics of this Indian social organization are essentially the same during the period of our concern as they were centuries earlier.

Our interest lies in the social thought of India prior to the Greek invasion, that is, the thought currents of the sixth, fifth, and fourth centuries B.C., in so far as they can be determined. The religious literature is all that has survived from these early times, but, like the religious literature of most early peoples, it is quite inclusive and contains not only most of the early history

¹ See A. B. КЕРН, "The Age of the Rigveda," in *Cambridge History of India*, Vol. I, pp. 77-113.

but also most of the folklore, folkways, ethics, wisdom writings, and other ethicosocial philosophy. The complicated systems of philosophy and religion of India will not be discussed here, though a few bits will have to be inserted to give the setting for the social thought. The thought of a social nature is part of the patterns that grew up around Brahmanism on the one hand and Buddhism on the other. These must be examined for its sources and core.

Though early Persian and Indian thought both emanate from Aryan stocks, they are vastly different in nature. This difference must rest partly on geography and climate. The natural scene of Persia with its varied terrain, its harsh climate, and relatively poor fertility produced a social philosophy of efficiency and hard work. On the other hand, the Aryan invaders of India after acclimatization and adjustment to the warm, benignant climate and the well-watered, steaming, productive plains, developed a brooding, speculative tendency. The virile nomads were transformed into Vedic poets and philosophic brooders about Atman, the Absolute, and Nirvana. Instead of the philosophy of mastery, conquest, and productivity of their Iranian kinsmen, they embraced one of patient resignation and ultimate escape. This naturally left a literature impoverished as far as social thought was concerned. The Brahmanical writings particularly show this. Since Gautama's scheme of translation of self involved "deed structures," it necessarily was much richer in its statements of social principles and policies.

II. BRAHMANISTIC THOUGHT

The Brahmanistic literature produced before the Greek invasion is of such nature as to prevent it from having very much social thought in it. What there is is largely incidental. The available literature, voluminous in amount, consists largely of a series of sacred books, several great epics, and some legalistic literature. The oldest are the four sacred *Vedas* or books of knowledge, originating long before 1000 B.C. These are the *Rig-Veda* or *Veda* of verses or hymns; the *Yajur-Veda* of sacred prescribed formulas; the *Sama-Veda* of chants; and the *Atharva-Veda*, concerned with charms, rituals, and sacrifices. There are also four subordinate *Vedas* known as the *Upa-Vedas*, and six auxiliary sciences known as *Vedangas*. These are all primarily

religious and involve a nature worship in which sun, moon, sky, earth, air, fire, and other natural phenomena are deified. These deities reflect their Indo-European base.

The *Brahmanas*, meaning "Priestlies," are the legalistic or priestly books of Hinduism (1000–800 B.C.). By the time that they came into existence the clans were safely settled in the river valleys, and the simple Vedic religion had been transformed into a system of strict domination, elaborate ceremonies, carefully prescribed compulsory ritual, and material offerings and sacrifices—all under the control of Brahman priests. Here are set forth in manual form the details of the ritual and worship that had to be performed with meticulous exactness. They represent, says Eggeling, "the intellectual activity of a sacerdotal caste which, by turning to account the instincts of a gifted and naturally devout race, had succeeded in transforming a primitive worship of the powers of nature into a highly artificial system of sacrificial ceremonies."¹ The *Brahmanas* seek deliverance for the individual by means of works of a ritualistic nature.

The *Upanishads* (800–600 B.C.) present philosophical Hinduism.² They consist of between 150 and 250 treatises of varying length providing a series of metaphysical and psychological ideas and interpretations. The earlier ones are largely allegorical treatments of Vedic ritual and myth, but the later ones show increasing independence of method and thought. In contrast to the *Brahmanas*, the *Upanishads* provide deliverance through esoteric knowledge. In the *Aitareya Upanishad* (II, 6) we are told that all earthly reality and the great One Reality is contained in knowledge. All that is is guided by knowledge. Knowledge is its foundation. Knowledge is Brahman (the all-comprehending and universal self)." Similarly, the *Yajur-veda Upanishad* states, "He who has understanding, is self-controlled, and ever pure, he reaches that realm whence there is rebirth."

There is social and ethical admonition in the *Upanishads*, but it is of a desultory nature. Socialized behavior is advocated as one aspect of the process whereby the individual eventually, after many rebirths, achieves deliverance from the entangle-

¹ J. EGGEING, Introduction to the *Catapatha Brahmana*.

² Cf. ROMESH CHUNDER DUTT, *Ancient India*, Vol. I, p. 16, Calcutta, 1889. He assigns the *Upanishads*, the works which closed the great Epic period, to c. 1000 B.C.

ments of this world and final union with the Supreme. Thus sobriety and devotion, self-restraint, generosity, and loving-kindness are cardinal virtues. The *Chhandogya Upanishad* states, "Those whose conduct here has been good will quickly attain some good birth—the birth of a Brahman or Kshatriya or a Vaisya. But those whose conduct has been evil will quickly attain an evil birth—the birth of a dog or a hog or a chandala." The social teaching of the *Upanishads* is essentially self-interested and individualistic. Good behavior is practiced for the sake of personal and private advantage and not primarily as part of a cooperative and reciprocating life among one's fellows.

The two great Indian epics are the *Ramayana* and the *Mahabharata*. The nucleus of the *Mahabharata* probably goes back to the tenth century B.C., while in its general form it dates c. 350 B.C. The *Ramayana* also goes back several centuries into the pre-Christian era. In its earliest form it may be even older than the *Mahabharata*.¹ The great triumph of both occurred, however, after the temporary vogue of Buddhism. The *Mahabharata*, meaning "Great War of the Bharatas," is the longest poem in the world and deals with the successive episodes in the great contest waged by the Bharatas for the possession of North India. It is replete with the rivalries and exploits of the warrior heroes. The *Ramayana* embodies the legends surrounding the mythical hero Rama, who was an exemplar of all morality and duty and much concerned with the repression of wrong and the inculcation of virtue. These great and enormously lengthy poems were sung from court to court by the traveling bards and contained the floating folklore and epic traditions of the people. They were full of old tribal narrative, presenting the legends of the warriors and their heroic deeds of chivalry and daring, interspersed inevitably, of course, with much religious, priestly, and ascetic lore. Incidentally certain amounts of social discourse and philosophic treatise² are incorporated. Thus, to be found in them are statements of Indian ideals of love and devotion, justice, self-restraint, and rightness. Conceptions of the ideal role of the warrior, the wife, and the husband are presented. Men are admonished to

¹ H. H. GOWEN, *A History of Indian Literature*, p. 241, New York, 1931.

² For an excellent treatment see R. W. FRAZER, *A Literary History of India*, pp. 210-241, London, 1907.

be mild and forgiving in conduct; they should avoid harshness and revenge; practice charity and kind deeds, especially charity and boundless generosity toward Brahmins. But not to commit corporal injury, to speak the truth, not to steal, to be pure, to restrain the senses—these rules of duty were for all castes.¹

III. THE ANCIENT HINDU LEGAL CODES

The most important type of ancient Sanskrit writing from the point of view of this study is the legal literature. This falls into three classes. First there is the dharma, meaning "law," "right," or "duty." A series of books, known as the dharma-shastras, present the law dealing with the discharge of duty. A second group, the arthashastras, are groups of cold-blooded manuals on the cult of the useful, the way to order one's worldly concerns so as to conduce to happiness. The third group are the kamashastras, having to do with the "worship of the desirable" or, rather, the enjoyment of pleasures, sensual as well as sensuous. These include some of the most licentious treatises in literature, at least from the point of view of the Westerner.

The dharma literature, of special concern to us, includes a number of important law collections extending over a long period of Hindu history. The more important ones are the *Institutes of Gautama*,² *Apastamba's Aphorisms*, the *Code of Manu*, and the dharmashastras of *Baudhayana* and *Vasishtha*. Of these, the writing of the first two quite definitely falls within the period of our interest, the *Institutes of Gautama* being hardly later than 500 B.C. and possibly considerably earlier; and the *Aphorisms of Apastamba* dating approximately 400 B.C.³ These are the two oldest existing books of the *Sacred Law of India*, as the subtitles state.

Sanskrit law, however, pursued throughout a course of spontaneous development. These codes are all closely related, and subsequent ones are largely revisions of earlier ones. Therefore they may be treated as a body. All are rooted deeply in the ancient *Vedas*; they are, in fact, in part at least, digests of the

¹ H. O. TAYLOR, *Ancient Ideals*, pp. 78-81, New York, 1896.

² This Gautama was not the founder of Buddhism, but another famous early character. The name was a common one among the upper castes.

³ For the text of these see *Sacred Books and Early Literature of the East*, II. For the others mentioned see *ibid.*, XII, XIV, XXV.

teachings of the *Vedas*. While there is not much formal social thought in them, strictly speaking, they have considerable significance for the student of culture and the history of social institutions, especially those interested in the sociological and anthropological aspects of law. A comprehensive treatment from these angles would be justified. This study will be confined, however to a brief summary of their content from the point of view of the social scientist.

These dharmasutras (literally, "rules of law") were legal manuals or textbooks written by the teachers of the Vedic schools for the guidance of their pupils. Consisting chiefly of strings of terse rules embodying most of the essential duties of life for every condition and situation, they were intended to be committed to memory. For centuries, before being written, they passed from generation to generation in oral form. Incidentally, they were the earliest attempts in India at a systematic treatment of law subjects. While at first held to be authoritative in restricted circles, they were later acknowledged as sources of law applicable to all Aryans.

As already noted, they were Vedic in origin and hence an essential part of the religious system, but, like other ancient sacred legal codes, they were also the civil and criminal law and controlled every aspect of life. Thus they reflect the nature and the types of requirements and prohibitions continually binding upon the Hindu in his domestic, political, economic, and social and class relations, as well as rules governing the conduct of kings and the administration of justice.

Every one of these codes is largely built around the four stages of an individual's life, namely, studenthood, householder or family career, hermithood or semiretirement, and finally the life of the ascetic or complete retirement. Of course, not all receive equal emphasis or scope of treatment. The stage of householder receives the most attention, for as the *Institutes of Gautama* state: "The householder is the source of these, because the others do not produce offspring" (III, 3). The duties for each of the four stages are set forth in great detail. The greater number of these duties, in some cases as many as three-fourths, are only of religious or ceremonial significance. The duties of studentship concern initiation and purification; proper personal habits, such as those of dress, food, attire, and hair, usually involving long

lists of prohibitions; but above all proper behavior to his guru (teacher) and the members of his family. The sections dealing with the householder are concerned with involved marriage rules, the administration of property, domestic rites, the preparation and consumption of food, almsgiving, the relationships with various types and classes of people, private habits, avoidances, and many others, including a vast array of mystical ceremonial requirements. The duties of hermit and ascetic deal with food prohibitions, clothing requirements, chastity, restraint in all behavior, forbidden places and creatures, personal habits, and of course a great variety of religious prescriptions and proscriptions.

Separate lists of duties are given for each of the four castes as well, namely, the Brahmins, Kshatriyas, Vaisyas, and Sudras. Of these the first three were supposed to go through the four stages above outlined. Thus for a Brahman student the following is prescribed among many other duties:

Let him wear a skin only as his upper garment. Let him not look at dancing. Let him not go to assemblies for gambling, etc., nor to crowds assembled at festivals. Let him not be addicted to gossiping. Let him be discreet. Let him not do anything for his own pleasure in places which his teacher frequents. Let him talk with women so much only as his purpose requires. Let him be forgiving. Let him restrain his organs from seeking illicit objects. Let him be untiring in fulfilling his duties, modest, possessed of self-command, energetic, free from anger, and free from envy [*Apastamba*, I, 1, 3, 10-24, *SBE*, Vol. II].¹

Lawful and unlawful occupations for the different castes at different stages of life are set forth in detail. These are concisely summarized in a passage in the *Vasishtha*.

The lawful occupations of a Brahman are six:

Studying the *Veda*, teaching, sacrificing for himself, sacrificing for others, giving alms, and accepting gifts.

The lawful occupations of a Kshatriya are three:

Studying, sacrificing for himself, and bestowing gifts;

¹ In this treatment only the most typical or most comprehensive passage in the various codes on a given subject will be cited. In every case, however, there are parallel groups of rules in each of the codes which can readily be referred to by consulting the tables of contents of the appropriate volumes of the *SBE*.

And his peculiar duty is to protect the people with his weapons; let him gain his livelihood thereby.

The lawful occupations of a Vaisya are the same:

Besides, agriculture, trading, tending cattle, and lending money at interest,

To serve those superior castes has been fixed as the means of livelihood for a Sudra (II, 13-20 in *SBE*, Vol. XIV. See also *Manu* X, 74-131, *SBE*, XXV).

Occasionally some interesting exceptions occur. Thus we read in the *Institutes of Gautama*, "Agriculture and trade are lawful for a Brahman provided he does not do the work himself" (X, 5).

Typical of ancient (and modern) Indian culture were the requirements upon women. In the code of *Manu* the whole philosophy of woman's place is concisely set forth, the principles being, however, identical with those stated in the earlier codes.

By a girl, by a young woman, or even by an aged one, nothing must be done independently, even in her own house.

In childhood a female must be subject to her father, in youth to her husband, when her lord is dead to her sons; a woman must never be independent.

She must not seek to separate herself from her father, husband, or sons; by leaving them she would make both her own and her husband's families contemptible.

She must always be cheerful, clever in the management of her household affairs, careful in cleaning her utensils, and economical in expenditure.

Him to whom her father may give her, or her brother with the father's permission, she shall obey as long as he lives, and when he is dead, she must not insult his memory (V, 147-151).

She who, controlling her thoughts, words, and deeds, never slights her lord resides after death with her husband in heaven and is called a virtuous wife.

In reward of such conduct, a female who controls her thoughts, speech, and actions gains in this life highest renown and in the next world a place near her husband (V, 165-166).

Drinking spirituous liquor, associating with wicked people, separation from the husband, rambling abroad, sleeping at unseasonable hours, and dwelling in other men's houses are the six causes of the ruin of women (IX, 13).¹

¹ See also *Baudhayana* II, 2, 3, 44-53; *Vishnu* XXV, XXVI. Attention is called to the use of "thoughts, speech, and actions" similar to the "moral triad" of the Persian Aryans.

Above all, a wife should be fertile, particularly capable of bearing sons. In the *Baudhayana* we read:

Let him [the husband] abandon a barren wife in the tenth year, one who bears daughters only in the twelfth, one whose children all die in the fifteenth, but her who is quarrelsome without delay (II, 2, 4, 6).

Marriage relations and violations of prohibited or undesirable sex relations occupy much space. Marriage outside the caste for both parties, the social effects upon the offspring of such cross marriages, and the degrees of relationship within which marriage is allowable are treated in detail; the duty of having offspring, especially sons, is emphasized; times when sex intercourse is allowable and forbidden are set forth (impregnation is a sacrament); various types and degrees of adultery are dealt with, as are also abortion and what might be called birth control; the desirable and forbidden qualities and characteristics of girls suitable as brides are presented in great detail.¹ Since there are twelve different kinds of sons,² inheritance is a complicated matter, though, in the main, each preceding type is preferable as heir to the one next in order. Within a given class the eldest inherits. Where the wives are of different castes a rather involved line of succession further complicates the matter.³

Most of these codes have extensive sections on the subject of criminal and civil law. In these a great variety of offenses are mentioned that fall under the given code. The *Code of Vishnu* mentions, among others, offenses of those of inferior castes to superiors; thefts; insults, treated according to actor and victim; defilement; unlawful occupations; adulteration of commodities; the use of false dice in gaming; pocket picking; milking cows without permission; causing damage to livestock; enslaving men; purchasing stolen property; embezzlement; destroying landmarks; acting as false witness; murder; and illicit intercourse (V, 1-196). In each case the form of settlement or the penalty is indicated. The typical civil court consists of king and councilors, but whenever the king's judge and three Brahmans learned in the *Vedas* come together cases may be heard.⁴

¹ See *Manu* III, 4-15.

² Cf. *Vishnu* XV, 1-47.

³ E. g., *Baudhayana* II, 2, 3, 10-12.

⁴ *Manu* VIII, 1-3, 11.

A large number of rules dealing with a great variety of penances, ordeals, and punishment are found in these codes. The penances consist of such acts as fasting; quoting verses from the *Veda* or repeating prayers; standing in wet clothes; avoiding certain persons, male or female; shaving the head or beard; sleeping on the ground; consuming carefully prescribed quantities of various specific foods and occasionally the excrements of animals; bathing at certain times and in certain ways with various liquids, clean and foul; giving up certain things and enjoyments; and various ceremonial observances and rites, such as the famous horse sacrifice. These penances are made for the violation of a great array of civil, criminal, and sumptuary as well as religious rules and even for murder.¹

The penalties range from compensation by means of some form of wealth, through public humiliation, outcasting, torture, and mutilation to death. Where the offense is against another person the compensation penalty is governed by the castes of the persons involved. For example, "he who has killed a Kshatriya shall give a thousand cows for the expiation of his sin. He shall give a hundred cows for a Vaisya. Ten for a Sudra."² Similarly a man of the first three castes who committed adultery with a Sudra woman was banished; but a Sudra who committed adultery with a woman of the first three castes suffered capital punishment.³ One who has violated the wife of a guru must himself cut off his sex organs, "or he may die embracing a heated metal image of a woman."⁴ A typical law on adultery for a female is the following: "A woman who commits adultery with a man of lower caste the king shall cause to be devoured by dogs in a public place."⁵ Another interesting law states, "A drinker of spirituous liquor shall drink exceedingly hot liquor so that he dies."⁶ The wife deserter is dealt with thus:

¹ For the two most exhaustive lists of offenses and the attendant penances and sacrifices, see *Vishnu*, XLVI-LVII; *Manu* XI, incorporating nearly 200 rules.

² *Apastamba*, I, 9, 24, 1-3.

³ *Ibid.*, II, 10, 27.

⁴ *Ibid.*, I, 9, 25, 1-3; or *Gautama* XXIII, 8-9.

⁵ *Ibid.*, XXIII, 14.

⁶ *Apastamba* I, 9, 25, 3; *Manu* XXIII, 10.

He who has unjustly forsaken his wife shall put on an ass's skin, with the hair turned outside, and beg in seven houses, saying, "Give alms to him who forsook his wife." That shall be his livelihood for six months.¹

The *Institutes of Gautama* gives a typical list of offenses that cause the offender to be made an outcast.

The murderer of a Brahman; he who drinks spirituous liquor; the violator of a guru's bed; he who has connexion with the female relatives of his mother and of his father within six degrees or with sisters and their female offspring; he who steals the gold of a Brahman; an atheist; he who constantly repeats blamable acts; he who does not cast off persons guilty of crime causing loss of caste; and he who forsakes blameless relatives become outcasts.

Likewise those who instigate others to acts causing loss of caste,
And he who for a whole year associates with outcasts.²

A much more extensive list, the latest and most exhaustive, is found in the Code of Manu (XI, 60-68). In the case of almost every offense, civil, religious, or criminal, mentioned in these codes, the most extreme penalties or punishments can be obviated by performing some elaborate religious rite.

Mention is also made in these codes of weights and measures; private wealth or property in the shape of horses, carriages, clothes, jewelry, and money but not of land, though no doubt the homestead and the pasture land immediately adjoining were permanently owned; debts and their recovery; lending and borrowing; duties and eligibility of witnesses; duties of a king; and rules governing agriculture.

Of all of these ancient Aryan codes now available in manuscript and translation the Code of Manu is not only the most recent, as far as we know, but also the most extensive and complete. Its twelve books and 2685 rules contain the greater proportion of those found in the preceding codes, either as exact repetitions or with slight modification.³ Also in it is some floating proverbial wisdom of the philosophical and legal schools. While it is now

¹ *Apastamba* I, 10, 28, 19.

² *XXI*, 1-3.

³ G. BÜHLER, in fact, states in his Introduction to his translation (*SBE*, *XXV*, p. lxvi), "Nearly all the rules are found in the other dharmasutras and in the Vishnismṛiti, and more than three-fourths of the verses find counterparts in the aphorisms and verses of the older law books."

quite generally thought to have been actually written in the period 242 B.C. to A.D. 500, it summarizes, and to an extent codifies, quite accurately the Hindu laws and aphorisms for a period of a thousand years or more preceding its composition.¹ This difference, however, exists between the Code of Manu and the earlier bodies of law: the dharmasutras belong to different Vedic schools, but Manu's code knows of no such divisions and professes to be the law for all the Aryans.²

The legendary page Bhrigu is introduced as the disciple of Manu and in this case his scribe and the promulgator of his great work. Manu, being according to ancient Hindu legend the father of mankind, was naturally considered also as the founder of social and moral order, a ruler of men, and the author of legal maxims.

Though actually composed after the cultural ascendancy of the Greeks, the content of the Code of Manu, in effect in oral form for centuries before put in the writing of the various contributory codes, must take its place alongside of the Code of Hammurabi and of the codes of the Assyrians, the Hittites, and the Hebrews as one of the greatest collections of social thought of pre-Greek antiquity. The careful student will find reflected in it much of the social and secular, as well as the religious, philosophy of behavior and many of the manners, customs, and institutions of one of the greatest of early civilizations. It is still one of the most widely read works in the whole range of ancient Indian literature. So vital have this code and its predecessors been through the centuries that they are to this day the foundation of Hindu jurisprudence.

While occasional subjects in the Code of Manu have been referred to in the very general treatment of ancient Hindu law above, and while some of the content has been quoted, a brief summary of it will be given in conclusion to provide some comprehension of its nature and scope in so far as social scientists are interested in it.

Its opening verses narrate how the great sages approached Manu, the descendant of self-existent Brahman, and asked him to explain the sacred law. He states how he learned "these Institutes of the Sacred Law" from the creator who himself pro-

¹ BÜHLER dates it between 200 B.C. and A.D. 200.

² ROMESH CHUNDER DUTT, *Ancient India*, Vol. I, p. 26, Calcutta, 1889.

duced them and how Bhrigu, one of the ten great sages, was assigned the task of expounding them. Here we have again the fiction of law divinely established. He then recites the order of creation itself and describes the duties of the four castes. After this he launches upon the body of the law found in the twelve long chapters. In the course of the enumeration he treats at great length the duties of a man of upper caste during each of the four recommended stages of his life, mentioned above. An exhaustive discussion of the all-important subject of marriage is included, covering in order such details as the proper caste of a future wife, the ten kinds of women not to marry (111, 6-9) and the qualities of one to marry, the ceremonials of marriage, blamable and blameless marriages, the appropriate times for sexual union, the arrangements for producing a male child, and the treatment of wives.¹

Of interest to the anthropologist is the long list of lawful and forbidden foods (V, 1-56) in which religious reasons bulk large, but sound dietary considerations are evident, and detailed statement of the various types of impurity of all ages, sexes, and castes at different times and in different conditions and situations (V, 57-146). These include impurity due to childbirth, contact with corpses or any part of a corpse, death, miscarriage, menstruation, irregular sex intercourse, the passing of excrements, and vomiting, and are accompanied by various rules governing the processes of purification.

The rules governing the duties of women summarize in an excellent manner those of the preceding codes (V, 147-169). At the different stages of her life a woman must be subject to various males as noted above; she must be cheerful, clever, and economical; if she is to enjoy life after death, she must never displease her husband; she must be patient, self-controlled, and chaste; she must desire offspring and do nothing to prevent their rapid appearance; she must avoid all infidelities.

In the discussion of the duties of the king (VII) are set forth not only his political and supernatural significance, his function

¹ "Men who seek their own welfare should always honour women on holidays and festivals with gifts of ornaments, clothes, and dainty food,

For if the wife is not radiant with beauty, she will not attract her husband; but if she has no attractions for him, no children will be born" (III, 59, 61).

in the administration of the law, his personal suitability for inflicting punishment, and so on but also some interesting digressions on somewhat related subjects. Notable is this philosophizing about punishment:

Punishment alone governs all created beings; punishment alone protects them; punishment watches over them while they sleep; the wise declare punishment to be identical with law.

If punishment is properly inflicted after due consideration, it makes all people happy; but inflicted without consideration, it destroys everything.

If the king did not, without tiring, inflict punishment on those worthy to be punished, the stronger would roast the weaker, like fish on a spit;

The crow would eat the sacrificial cake and the dog would lick the sacrificial viands, and ownership would remain with anyone; the lower ones would usurp the place of the higher ones.

The whole world is kept in order by punishment; for a guiltless man is hard to find; through fear of punishment the whole world yields the enjoyments which it owes (VII, 18-22).

Interesting also is the discussion of the vices that degrade a king and destroy his usefulness (VII, 44-53); the importance of selecting a coterie of noble ministers as aids and advisers and of appointing skilled, learned, and properly poised ambassadors (VII, 54-68); the importance of proper fortification and military defense (VII, 69-76); the wedding of a proper consort; hints on the discreet treatment of important people, both in his realm and among neighboring kingdoms; the principles of military strategy; the fixing of taxes for different classes; and precautions against assassination.

The subject most lengthily treated of all is the civil and criminal laws, amounting to two books (VIII, IX) and 756 verses. This large body of law falls under eighteen heads: (1) nonpayment of debts; (2) deposits and pledges; (3) sale without ownership; (4) partnership; (5) resumption of gifts; (6) nonpayment of wages; (7) nonperformance of agreements; (8) rescission of sale and purchase; (9) disputes between masters and servants; (10) disputes about boundaries; (11) assault; (12) defamation; (13) theft; (14) robbery and violence; (15) adultery; (16) duties of husband and wife; (17) partition of inheritance; and (18) gambling and betting (VIII, 4-7). "These," it states, "are in this world the eighteen topics which give rise to lawsuits." Of these, 11

to 15 and 18 relate to criminal law, while the others deal with civil cases.

The code treats also in great detail the occupations required of and allowable to the four castes with occasional mention of activities specifically forbidden (X, 74-131). Especially interesting are the exceptions permitted the castes in times of stress (X, 81-122). The last subject of significance to us is that of penances and sacrifices (XI) already treated above. The code concludes with the verse

A twice-born man who recites these Institutes, revealed by Manu, will be always virtuous in conduct and will reach whatever condition he desires (XII, 126).¹

With the striking exception of these legal codes, however, Brahman thought is socially impotent. To be valiant and friendly and just is of no great permanent significance to the actor or to society. Renunciation was the truly great act, for by means of it the individual attained the unchanging, the eternal, the absolute and infinite. Furthermore, by the sixth century B.C., Hindu society had become so sharply separated into the four castes that the social requirements operated only within these social strata. The prescribed performances, ceremonies, and conformity, in so far as they required perfect equality or justice, had only fellow caste members in mind. In interclass relations either avoidance or the careful recognition of gradation dominated.²

IV. THE SOCIAL THOUGHT OF GAUTAMA

The original Aryan religion with its simple Vedic hymns and rites and its nature deities by 500 B.C. had become a complicated, overgrown institution with an immense pantheon of gods, a

¹ For an excellent treatment of this code from quite a different angle see the recent work by KEWAL L. MOTWANI, *Manu, A Study in Hindu Social Theory*, Madras, 1934. The standard works are G. BÜHLER, ed. and transl., "The Laws of Manu," *SBE*, Vol. XXV, 1886; A. C. BURNELL, *The Ordinances of Manu*, London, 1884; J. JOLLY, *Manava Dharma-Sastra, The Code of Manu*, London, 1887; W. JONES, *Manava Dharma Sastra, or the Institutes of Manu*, Madras, 1863.

² For a more optimistic account of the social aspects of early Indian thought, see S. V. VENKATESWARA, *Indian Culture through the Ages*, Vol. I, especially pp. 34-45, London, 1928.

most elaborate ceremonial, an ecclesiastical hierarchy, a rigidly maintained caste system, and an almost overwhelming mass of arid theological-metaphysical-theosophical speculations. The physical machinery, intellectualistic hairsplitting, and hollow conformity to superficial forms had become ends and essence. Moreover the Brahmanical priesthood had seriously failed in their functions and obligations. They were politically active and were connected with various unscrupulous practices; they had established a religious monopoly which lent itself to vicious exactions and to the encouragement of the grossest superstitions; they declined as altruistic leaders and required sacrificial rites, demanded excessive payments, and insisted on much meaningless self-torture. As often happens when a religion becomes spiritually and emotionally sterile, a reaction occurred. About 522 B.C. a Gautama appeared, the first real personality to emerge in India from the mist of myth and legend. While he, too, may be legendary (certainly a mass of legend has grown up around him), one senses behind the early thought and story of his supposed career something manifestly human and real. He protested against all this Brahmanical rigmarole and excrescence and propounded a simpler and more humanly vital doctrine. Being himself of the Kshatriya caste, he upheld Aryan institutions and traditions. His reorganization of thought was within the cultural rubrics and according to the social and spiritual needs of the times. He emphasized personal morality and public service, right thought and right living, instead of sacrifice and demons and stereotyped behavior. As a prince his ideas had weight. So successful was his reform work that within 250 years of his death the great emperor Asoka made his philosophy the state religion of India. Though presently unseated from its position of supremacy, it continued on until about A.D. 1000 in India whence it spread as a dominant current of thought to Ceylon, Tibet, Burma, Siam, Malay Archipelago, China, Manchuria, Korea, Mongolia, and Japan. Our concern here is not with the hodgepodge of complicated and self-contradictory propositions and the multitudinous requirements of modern, wide-flung so-called Buddhism—the cults that eventually grew up around his thought—but with the ideas of Gautama and the writings that most directly and intimately reflect the social aspects of his philosophy. In the Western sense of the term, Gautama was

not a religious founder or leader but rather an inspired interpreter of social and psychological principles, which, if followed, would enable men to emancipate themselves from many of their ills and establish harmony among themselves and ultimately with the universe.¹

Just as Jesus was looked upon as the "Christ" or "Savior" or "Messiah," so Gautama was referred to as the "Buddha" or "Enlightened One," He was also known as Sakyamuni ("the sage of the Sakya tribe") and as Tathagata ("he who has arrived at the truth"). Gautama Siddhartha ("he who accomplishes his aim"), the former being the family name, was born in 563 B.C.² near Kapilavastu, the principal town of the Sakya clan.³ This town was situated in modern Nepal, on a southern spur of the Himalayas, some 100 miles due north of Benares, on the river Rahini of the Ganges system. His father, Suddhodana, was the raja or ruler of the Sakya clan and community.⁴ Born of the "ruler" caste, the son was reared under the most favorable conditions. The best pundits of the day taught him. According to various records, he had attendants and equipages in profusion. His father at one time built for him three palaces, one for each of the three Indian seasons—the hot, the cold, and the rainy. He was provided with all that wealth and social position could supply. At sixteen he married his cousin Yosadhara. After ten years a son Rahula, was born. Throughout his life Gautama was shielded to the utmost from acquaintance with

¹ Cf. E. B. HAVELL, *The History of Aryan Rule in India*, pp. 45–56, London, 1918; A. W. MARTIN, *Seven Great Bibles*, pp. 68–69, New York, 1930.

² *Cambridge History of India*, Vol. I. Other dates given are 557 and 560 B.C.

³ For the archaeological substantiation of Gautama's birthplace and death, see E. J. THOMAS, *The Life of Buddha in Legend and History*, pp. 16–20, 160–164, New York, 1927.

⁴ Rhys David points out that, according to the earliest Pali records, northeast India in this sixth century B.C. was divided up into ten more or less independent little kingdoms or duchies and republics. One of these kingdoms was that of the Sakyas or Sakiyas. According to an ancient tradition, there were 80,000 families in the clan or roughly a population of half a million. The people lived in small villages, surrounded by their rice fields and the common pasturage and forest land. These villages, governed through a sort of town meeting, were each tiny self-governed republics. Over these were the central authorities of the clan, operating under the raja. *Cambridge History of India*, Vol. I, pp. 175–178.

unpleasant and painful experiences. Dancing girls were provided for his entertainment, and noble youths and beautiful maidens were his companions. The hours and days were spent in music and archery, dancing and song. Until he was twenty-nine he lived this more or less useless life of the favored, protected, rich young man. But like other young men of less exalted rank, he not only had an insatiable curiosity but also was restless, surfeited with the life that he was living, and unsatisfied by the Brahman philosophy in which he had been steeped.

When he was twenty-nine came the "Incitement" or the "Four Seings" and the "Great Renunciation." One day, so the story goes, while driving in the royal park in his chariot, he beheld in quick succession four sights, three of them most pitiable and distressing. First he saw a feeble, trembling, tottering old man; next a hideous, loathsome leper; third, a funeral with its putrefying corpse; and finally a venerable, mendicant monk or ascetic. Startled by these sights, he returned home to think and to find some way of escape from old age, disease, and death. Finding that philosophical speculation offered no way out, he decided that the way of the monk was the way of salvation. So one night he renounced his home and wife and son, his future chieftainship, his wealth and position and ease, and departed with his old and faithful servant for the forested mountains, to become a wandering monk, a recluse. For six years he devoted himself to asceticism. He wandered far and wide; he sought insight and salvation by means of prayers and sacrifices; he practiced the severest austerities such as starvation, watching, and self-mortification. Finally, when on the verge of physical collapse, he concluded that this offered no way out. It was, he is supposed to have said later, "like time spent in tying the air into knots." One day (or for many days, according to some of the legends), seated under the famous bo tree at Buddhagaya, in deep meditation, the long-sought solution or "Great Enlightenment" came, in the form of a positive, constructive gospel of life, which, in itself, should eventually lead to escape. The last forty-five years of his life, to 483 B.C. (or 477 or 480), were devoted to his public ministry, during which he laid down his basic doctrines, taught them avidly, and collected a large number of enthusiastic disciples. This ministry was confined to the kingdoms of Magadha and Kosala, the latter of which contained the territory of

the Sakyas. Gautama himself wrote down none of his ideas. Not until the great efflorescence of his thought during the reign of King Asoka (c. 240 B.C.) were his ideas, heretofore carefully memorized, put into written form.

The fountain sources of Gautama's sayings is the *Tripitaka* that is, the three divisions or "baskets" (*Pitakas*). These are the *Vinayapitaka* or rules of discipline for the order of disciples or monks; the *Suttapitaka*, the ethical sermons delivered by him; and the *Abhidhammapitaka* or the metaphysical and psychological background of his teaching. The more important social elements of his thought will be treated below. Only such philosophical and theological aspects will be considered as have some bearing on our major objective.

Gautama repudiated the authority of the Vedic system and denied the divine inspiration of the *Vedas*; he bowed to no authority and refused to set up a creed; he rejected rituals as wasteful and irrelevant and would have nothing to do with asceticism or self-mortification; he discarded distinctions of caste as degrading and undemocratic; he was averse to speculation on metaphysical problems and regarded theological beliefs as superstitious. What he sought was fervent and inspiring practical social ethics the keynote of which was universal charity and brotherhood; he wanted temperance and moderation rather than asceticism, self-discipline instead of speculation, and enlightened reason instead of infallible dogmas. Above all he wanted men to know that they were not the pawns of the gods but that their fate—their deliverance or peace—was in their own hands. They made their future by their own acts.

Gautama, however, shared the lot of various other great thinkers. Within a few centuries of his death a vast array of institutional machinery had accumulated and distorted and here and there almost submerged some of the finest elements of his thought.¹

1. The Noble Eightfold Path.—In his famous address given in the deer park Isapatana, at Benares, shortly after the Enlightenment, Gautama devoted himself to an analysis of his famous Middle Path, the way of the cessation of suffering and the foundation of the kingdom of righteousness. This was strongly social

¹ For a parallel discussion of social duties according to Gautama, see Durr, *op. cit.*, Vol. II, pp. 261-274.

in its implications and contained the statement of the Eightfold Path, the heart of his social ethics.

There are two extremes, O Bhikkhus [disciples], which he who has given up the world ought to avoid.

What are these two extremes? A life given to pleasures, devoted to pleasures and lusts; this is degrading, sensual, vulgar, ignoble, and profitless. And a life given to mortifications; this is painful, ignoble, and profitless.

By avoiding these two extremes, O Bhikkhus, the Tathagata has gained the knowledge of the Middle Path which leads to insight, which leads to wisdom, which conduces to calm, to knowledge, to enlightenment, to nirvana. . . . It is the noble Eightfold Path, namely: right views, right intent, right speech, right conduct, right means of livelihood, right endeavor, right mindfulness, right meditation.¹

T. W. Rhys David in his introduction to this Sutta presents a slightly more extensive rendering.²

1. Right Views; free from superstition or delusion.
2. Right Aims; high, and worthy of the intelligent, earnest man.
3. Right speech; kindly, open, truthful.
4. Right Conduct; peaceful, honest, pure.
5. Right Livelihood; bringing hurt or danger to no living thing.
6. Right Effort; in self-training and in self-control.
7. Right Mindfulness; the active, watchful mind.
8. Right Contemplation; earnest thought on the deep mysteries of life.

Here was a scheme of salvation, simple in its nature, easily understood, free from superhuman agency, largely social in its implications, resting on self-culture and self-control.³

2. The Ten Commandments.—Among Gautama's sayings are a series of admonitions, charges, or commandments which appear several times in the literature.⁴ These show some similarity to the Hebrew Decalogue. One rendition states:

1. Ye shall slay no living thing.
2. Ye shall not take that which is not given.

¹ Dhamma-Kakka-Ppavattana-Sutta, *SBE*, Vol. X, pp. 146-147; also *Mahavagga-Vinaya*, Vol. I, 6:17, 18; 56.

² *Op. cit.*, pp. 143-144.

³ For a more extensive analysis of the Eightfold Path, see *Digha Nikaya*, ii, 312.

⁴ See, e.g., *Maha-Sudassana Sutta*, I, 15; *Khuddaka-Patha*, 2.

3. Ye shall not act wrongfully touching the bodily desires.
4. Ye shall speak no lie.
5. Ye shall drink no maddening drink.
6. Accept no gold or silver.
7. Shun luxurious beds.
8. Abstain from late meals.
9. Avoid public amusements.
10. Abstain from expensive dress.

In the *Khuddaka-Patha* the same charges are given but in a different order and occasionally with more elaboration.

1. Abstinence from destroying life.
2. Abstinence from taking what is not given.
3. Abstinence from unchastity.
4. Abstinence from falsehood.
5. Abstinence from spirituous liquors, strong drink, intoxicants, which are a cause of negligence.
6. Abstinence from eating at the wrong time [*i.e.*, after noon].
7. Abstinence from looking at dancing, singing, music, plays, and spectacles.
8. Abstinence from wearing garlands, scents, unguents, ornaments, and adornments, which are a cause of negligence.
9. Abstinence from a high or large bed.
10. Abstinence from accepting gold and silver.

Laymen observed the first five; devotees, the first eight, disciples (*bhikkhus*) or monks, all. The first four are similar respectively to four commandments of the Hebrew Decalogue, namely, "thou shalt not kill"; "thou shalt not steal"; "thou shalt not commit adultery," and "thou shalt not bear false witness." The other six have no parallels in the Hebrew list. The last five however, bear a very close resemblance to the charges that Jesus gave his disciples when he sent them on their mission.

Gautama is quoted elsewhere as giving supplementary instructions intended mainly for monks. These conform in spirit and content to the commandments especially for monks. The discussion is known as "The Small, Middle, and Great Moralities."

In the first division of the primary moral rules the monk abandons the killing of living things, lays aside the use of a stick or knife, and full of pity he dwells with compassion for the welfare of all living things.

Abandoning the taking of what is not given, he takes and expects only what is given and dwells without thieving.

Abandoning incontinence, he lives apart in perfect chastity.

Abandoning falsehood, he speaks the truth, is truthful, faithful, trustworthy, and breaks not his word to people.

Abandoning slander, he does not tell what he has heard in one place to cause dissension elsewhere. He heals divisions and encourages friendships, delighting in concord and speaking what produces it.

Abandoning harsh language, his speech is blameless, pleasant to the ear, reaching the heart, urbane, and attractive to the multitude.

Abandoning frivolous language, he speaks duly and in accordance with the doctrine and discipline, and his speech is such as to be remembered, elegant, clear, and to the point.

He [the monk] eats at the right time, does not see displays of dancing and music, does not use garlands, scents, and ornaments, or a high bed.

He does not take gold and silver and certain kinds of food or accept property in slaves, animals, or land. He does not act as a go-between, or take part in buying and selling and the dishonest practices connected therewith.

The Middle Moralities include avoiding the injury of seedlings, the storing up of food and various articles, the seeing of spectacles, displays of animal fighting, matches, contests, sports, and army manoeuvres, all kinds of games of chance and gambling, the use of furniture, cosmetics, shampooing, and various ways of tending the body. The monk does not indulge in vulgar talk and tales or wrangle about the doctrine or act as messenger for kings and others or practice the deceitful interpretation of signs.

The Great Moralities include the avoiding of many acts and practices of which the Brahmins were especially accused, such as the interpretation of signs on the body, portents, dreams, marks made by rats, the performance of various sacrifices and magical ceremonies, the interpretation of lucky marks on things, persons, and animals, prophesying victory to an army, foretelling astronomical events, famines, epidemics, lucky days, and the use of spells.¹

The Ten Fetters that stand in the way of the realization of the Eightfold Path and the Commandments are mentioned in connection with the *Ketokkhila-Sutta* and in several other places. These are (1) the delusion of self—the illusion that the ego or soul is a thing by itself or is immortal—(2) doubt that there is a moral world order and a way of salvation; (3) the superstition that external religious rites, prayers, sacrifices, hearing sermons, relic worship, pilgrimages, and other ceremonies can

¹ *Samannaphala-sutta*, Digha, I, 47. Also *Teviga-sutta*, II, *Kulam Silam*, *Magghima Silam*, *Maha Silam*, *SBE*, Vol. XI, pp. 189–200.

lead to salvation; (4) sensuality and evil passions instead of moderation and temperance; (5) hatred and consciousness of difference, ill-feeling toward one's fellow men; (6) love of the life of this world; (7) desire for a future life; (8) pride; (9) superciliousness or self-righteousness; and (10) ignorance.

The man who is to achieve the status of Brahmana, one free from evil or, as it has been put, a "first-class person," must have certain qualities, which are set forth in the *Dahmma-pada*.¹ Among these are the following:

Him I call indeed a Brahmana who does not offend by body [or deed], word, or thought and is controlled on these three points.

Him I call indeed a Brahmana who is free from anger, dutiful, virtuous, without appetite, who is subdued. . . .

Him I call indeed a Brahmana whose knowledge is deep, who possesses wisdom, who knows the right way and the wrong and has attained the highest end.

Him I call indeed a Brahmana who is tolerant with the intolerant, mild with faultfinders, and free from passion among the passionate.

Him I call indeed a Brahmana from whom anger and hatred, pride and envy have dropt like a mustard seed from the point of a needle.

Him I call indeed a Brahmana who utters true speech, instructive and free from harshness, so that he offend no one.

Him I call indeed a Brahmana who takes nothing in the world that is not given him, be it long or short, small or large, good or bad.

3. Advice to Young Men.—Gautama was asked about the social activities that young men should avoid. He spoke at some length listing six, which he referred to as the "Six Openings for Swallowing up Wealth." For each of these six he in turn laid down six disadvantages.

Young master, to be given to drinking fermented liquor and distilled liquor, which gives rise to sloth; to be given to roaming the streets at unseasonable hours; to frequent festivals; to practise gambling, which gives rise to sloth; to have evil companions; to be given to idling: such are the Six Openings which swallow up wealth.

a. Now, young master, there are these six disadvantages of indulging in intoxicants: loss of wealth, increase of quarrelling, liability to sickness, loss of good name, immodest acts, weakening of brain-power. These six.

¹ Chap. XXVI, *SBE*, Vol. X

b. Now, young master, there are these six disadvantages of roaming the streets at unseasonable hours: One is off one's guard and unprotected, one's wife and children are unprotected, one's property likewise; one is suspected of evil doings; false rumors about one have weight; one is exposed to many states of ill. These are the six.

c. Now, young master, there are these six disadvantages of frequenting festivals. [One keeps thinking] "Where is the dancing? Where is the singing? Where is the music? Where is the recital? Where is the tambour-playing? Where are the tom-toms?" These are the six.

d. Now, young master, there are these six disadvantages of being given to gambling: If one wins, he wins a foe. If he lose, he has to lament his loss. Gone is his visible means of subsistence. He goes to the Mote-Hall, but his word has no weight there. Friends and ministers of state treat him with contempt. He is not sought after by those who give and take in marriage; for they say "A gambler is not competent to support a wife." Such are the six disadvantages of being given to gambling.

e. Now, young master, there are these six disadvantages of bad companions. All the rogues, drunkards, toppers, cheats, frauds, and rowdies are his friends and boon companions. These are the six.

f. Now, young master, there are these six disadvantages of idling. [The idler says] "It's too cold" and does no work; or "It's too hot" and does no work; or "It's too early" and does no work; or "It's too late" and does no work; or "I'm too hungry" and does no work; or "I'm too full" and does no work. So as he lives with all these excuses about work, the wealth that has not yet come to him does not arise, and the wealth that has come goes to destruction.

Thus spake the Exalted One.¹

4. Opposition to Caste Distinctions.—The following passages from the *Dhammapada* (V) indicate Gautama's attitude toward degrading and undemocratic caste distinctions. He really sustained a doctrine of brotherhood, at least within the religious fraternity, which denied discriminations based on class, caste, or color. The passages quoted are reminiscent of the story of Jesus' experience at the well with the woman of the outcast Samaritans (John 4:1 ff.).

My doctrine makes no distinction between high and low, rich and poor. It is like the sky. It has room for all, and like water it washes all alike.

Ananda [the beloved disciple] coming to a well asked a girl of the despised caste of the Tshandalas for a drink of water, but she, fearing a

¹ *Dhammapada Nikaya*, iii, 181.

gift from *her* hands would make him unclean, declined, whereupon Ananda said, "My sister, I did not ask concerning thy caste or thy family. I beg water of thee, if thou canst give it me.

To him in whom love dwells, the whole world is but one family."

As a mother even at the risk of her own life protects her son, her only son, so he who has recognized the Truth [of brotherhood] cultivates good will without measure among all beings, unstinted, unmixed with any feeling of making distinctions or showing preferences.

5. The Rule of Love.—The Rule of Love, dispersed so widely among the great thought systems of the world,¹ is also to be found in the ideas attributed to Gautama. It is mentioned several different times in the *Dhammapada* alone.

For hatred does not cease by hatred at any time; hatred ceases by love; this is an old rule (I, 5).

Let a man overcome anger by love, let him overcome evil by good; let him overcome the greedy by liberality, the liar by truth! (XVII, 223).

Let us live happily then, not hating those who hate us! Among men who hate us let us dwell free from hatred! (XV, 197).

6. The Conditions of Communal Stability.—The agencies of social control which Gautama seems to advocate are most conservative both in spirit and in nature. The old time-honored methods must be used. These attitudes are reflected in an occasional passage of which the following is typical:

Now at that time the venerable Ananda was standing behind the Exalted One and fanning Him. And the Exalted One said to the venerable Ananda:

"How now, Ananda? Have you ever heard that the Vajjians repeatedly assemble together and in large numbers?"

"I have heard so, Lord."

"Well, Ananda, so long as the Vajjians shall assemble repeatedly and in large numbers, just so long may the prosperity of the Vajjians be looked for and not their decay. . . . So long, Ananda, as the Vajjians assemble in harmony and disperse in harmony: so long as they do their business in harmony: so long as they introduce no revolutionary ordinance or break up no established ordinance but abide by the old-time Vajjian Norm, as ordained: so long as they honour, reverence, esteem, and worship the elders among the Vajjians and deem them worthy of listening to: so long as the women and maidens of the families dwell without being forced or abducted: so long as they honour, revere, esteem,

¹ See J. O. HERTZLER, "On Golden Rules," *International Journal of Ethics*. Vol. XLIV, pp. 418-436, July, 1934.

and worship the Vajjian shrines, both the inner and the outer: so long as they allow not the customary offerings, given and performed, to be neglected: so long as the customary watch and ward over the Arahants that are among them is well kept, so that they may have free access to the realm and having entered may dwell pleasantly therein: just so long as they do these things, Ananda, may the prosperity of the Vajjians be looked for and not their decay."¹

7. On Charity and Almsgiving.—The literature, quite consistently, emphasizes the free giving of gifts and the sharing of wealth, with the hint of a conception of the stewardship of wealth.

The mighty sea, unmeasured mighty lake,
The fearsome home of multitudes of pearls—
As rivers, serving countless hosts of men,
Flow widely forth and to that ocean come:—

Just so, on him that giveth food, drink, clothes,
Who bed and seat and coverlet provides,
Torrents of merit flood that mortal wise,
As rivers, bearing water, reach the main.²

Master Gautama, I am a giver of gifts, a lord of almsgiving: affable am I and a proper man to ask a boon of. I pursue wealth in a lawful way, and having done so I give freely of my wealth thus lawfully obtained,—I give alms to one, two, three, five, seven, ten, twenty, even up to a hundred,—nay to more than that. [Tell me this], Master Gautama, by so giving, by making such sacrifices, do I beget any merit?

Surely, young man, by so giving, by making such sacrifices . . . you do beget much merit! He who pursues wealth in a lawful way and having done so gives freely of his wealth thus lawfully obtained—by so giving, by making such sacrifices, he begets much merit.³

8. Profitable and Unprofitable Talk.—The literature of Buddhism, like that of the other Near Eastern and Oriental cultures, presents an occasional admonition or story which calls attention to the folly of idle or foolish talk, and others again which emphasize the importance of wise speech. The *Digha Nikaya* (iii, 36–37) contains an excellent passage on unprofitable talk, somewhat humorous in nature, which is quite explicit in its enumeration of types.

¹ *Dhammapada Nikaya*, ii, 73.

² *Samyutta Nikaya*, V, 400.

³ *Sutta Nipata*, *Maghasutta*.

Now at that time the brethren of the Band of Six had a habit of rising up in the night before it was dawn. Then, donning wooden slippers, they used to parade up and down in the open air, chattering in shrill loud tones, hawking and spitting, and talking all manner of idle babble, such as: talk about kings and robbers and ministers of state; talk about armies and of fear, tales of fights; talk about food, drink, clothes, beds, lodgings, flowers, garlands, scents, kinsfolk, and carriages; about villages, suburbs, towns, provinces, women, and soldiers; gossip of the streets and wells and tales of ghosts; all sorts of talk; about the world and the ocean; of things existent and nonexistent. . . . Moreover, they distracted the brethren from their meditation.

In the *Anguttara Nikaya* (i, 199), on the other hand, is found a passage emphasizing the Ariyan or Wise Man's Speech.

They who talk angrily, full of wrath and proud,
Carp at each other's failings when they meet,
And take delight in blame and finding fault,
And in their rival's fall. But Ariyans
Will never follow practices like these.
If there be one, a wise man, fain of speech,
He knows the proper time, and speech concerned
With righteousness and practice of right talk.
Thus speaks a sage, not angry, well-restrained
With humble mind, not laying down the law,
Not curious, but wisely speaks fair speech,
Welcomes the kindly word, rejects the cruel,
Knows no resentment, does not carp at faults,
Does not retort nor crush his rival down,
Nor for the issue speak. O true it is
That Ariyans' words alike instruct and please!
Thus Ariyans speak, such is the Ariyan talk;
And knowing this the wise should humbly speak.

9. Advice Regarding Friends.—In a well-known passage Gautama outlines in considerable detail both the nature and the characteristics of both false and true friends.

[Then the Exalted One said to the young householder Sigala:]

a. False

"There are these four, young master, who are to be reckoned as foes masquerading in the garb of friends:

"The out-and-out robber: the one good at mere words: the smooth-tongued: the wastrel comrade.

"Now in four ways the out-and-out robber is to be reckoned as a foe masquerading in the garb of a friend. First, he is an out-and-out robber; then he desires to get much by giving little; he does his duty out of fear; he follows one for his own gain. In these four ways is he such.

"In four ways the one good at mere words is so to be reckoned. He greets you with talk about his past deeds; he greets you with professions of future deeds; he ingratiates himself with empty words; but when need arises he points to his own ill-luck. In these four ways is he such.

"In four ways the smooth-tongued is so to be reckoned. He is compliant in evil deeds; but he is not compliant in a good deed; he sings your praises to your face; but behind your back he speaks ill of you. In these four ways is he such.

"In four ways the wastrel comrade is so to be reckoned. He is your mate in drinking liquor, fermented and distilled; he is your mate in roaming the streets at unseasonable hours; he goes along with you loafing to festivals; he is your mate in being given to gambling which leads to sloth.

b. The True

"These four, young master, are to be reckoned as true-hearted ones.

"The friend who helps you is to be so reckoned; the one who is unchanged in weal and woe; the one who tells you what is for your good; the one who shows affection for you.

"In four ways the friend who helps you is so to be reckoned. He watches over you when you are slack; he watches over your property when you are slack; he is your refuge in time of fear; when need arises he supplies you twice over. In these four ways he is such.

"In four ways the one who is unchanged in weal and woe is so to be reckoned. He tells you his secrets; he keeps yours; he does not forsake you in trouble; he sacrifices his very life for your good. In these four ways.

"In four ways the one who tells you what is for your good is so to be reckoned. He keeps you from wrong-doing; he puts you in the right way; he tells you what you did not know before; he shows you the way to heaven. In these four ways is he to be considered a true-hearted one.

"In four ways the one who shows his affection for you is so to be reckoned. He rejoices not in your misfortune; he rejoices in your good fortune; he defends you against those who slander you; he commends those who speak well to you. In these four ways he is to be reckoned a true-hearted one."

Thus spake the Exalted One.¹

¹ *Dhammapada Nikaya* (Sigalonada), iii, 186-187.

10. The Doctrine of Change.—Gautama, like his contemporary Heraclitus in Greece, believed in the perpetual flux of all things. In all our experience there is no permanence attaching to anything. All individual existence, all the world of phenomena are subject to change; nothing is abiding in its nature. The universe itself is a ceaseless ever-becoming. Impermanence (*aniccam*) and evanescence characterize everything; of changeless, fixed being there is no sign. Especially is this true of all living things; these, too, are undergoing changes from day to day. Life is ever onflowing and transient. Most significant from our point of view is the fact that human life also shares with all else this eternal change and decay and reconstruction.

Out of this hypothesis grows his philosophy of karma, reincarnation, and nirvana—in brief, the doctrine of salvation. This, being bound up inflexibly with the social-moral order, is profoundly social in its implications. Man's eternal career depends upon his karma or deed. Karma especially means the effect of the deed upon the subsequent character of the doer. The deed itself is transient, but it leaves its traces or marks on the character enduringly. In this respect Karma simply expresses the universal law of cause and effect. Everything that exists has a cause, and every effect in turn becomes the cause of future effects. Actions can lead only to new existences. Applied to the career of an individual it means that he is at any one moment just what his deeds and desires of the past have made him; and in the future he will become just what his deeds and desires of the past are making him. Good deeds will produce a good result, and evil deeds an evil result; the change will be either good or bad, for better or for worse. Or, expressed differently, a man's good karma will tend to make a good individual, and vice versa. For that matter, all creatures and all entities of any kind are the result of an immeasurably long chain of deeds.

The actual residues of behavior are known as *samskaras* or deed structures and are a combination or rather a preponderance of good deeds over bad or bad over good. These formations have come about through living or function or action and are in continual process of development. The *samskaras*, in fact, constitute human being. A given individual may reach the stage of *arhat* or sainthood during his own life by building up favorable *samskaras* through a mastery of the Four Noble Truths,

largely metaphysical in nature; the Noble Eightfold Path; the Commandments; and the other rules and principles, the ones of a social nature having been presented above.

But beyond any such terrestrial attainment lies the supreme goal, nirvana. This is achieved only after successive reincarnations, during which a balance of favorable samskaras is built up. For death does not destroy samskaras; it simply discontinues their presence in the body of a special individual. Death, in fact, disappears as a significant effect; it merely transfers the obligation of working indefatigably and continuously in accumulating good deeds. Rebirth of career thus continues until all bad samskaras have been wiped out. When this has occurred, that is, when all samskaras are good, then karma and rebirth cease, and nirvana, a state of passionless, delusionless, selfless, endless rest and peace, is achieved.

Though the underlying philosophy and spirit is different, Gautama's, like Zoroaster's, doctrine of salvation rests upon good works. Most of these good works are essentially social in nature or at least redound indirectly to the benefit of other human beings. Gautama adopted the best teachings regarding social behavior which he found and made them applicable in all the duties of daily life. Socialized action leads to rewards eventually. His inexorable creed was, "As thou sowest, so shalt thou reap." While the wholesome effects upon social philosophy and social organization were mainly incidental, since karma and nirvana were the main objectives, they were nevertheless not inconsiderable among the devotees scattered over the entire Eastern world and now numbering more than half a billion.

CHAPTER VIII

THE SOCIAL THOUGHT OF ANCIENT CHINA

I. THE GENERAL BACKGROUND

A culture, later to be known as the Chinese, was developing in the valley of the Hwang Ho at the same time that other cultures, destined to be great, were growing in the valleys of the Nile and the Tigris and Euphrates. As we examine the civilization of ancient China we occupy ourselves for the first time in this study with the products of the Turanian branch of the human race. While definite information is lacking, it is probable that the Chinese racial stocks originated in, or near by, the region that they have occupied during legendary and historic time. In fact, there are still aboriginal tribes in the southwest of China, reckoned by some to number as high as 180. Nor is there any evidence that would lead one to connect the Chinese with any other people than those that we find near them now, people of much the same racial stock. There have, however, been occasional intermixtures with these, notably with the Tibetans, Tartars, Japanese, and Shans. These intermixtures were the result of migrations of stocks within the general region.¹ History records one notable influx of peoples from the northwest as early as the time of Huang-Ti (2697-2595 B.C.) and various other later ones. On the whole, the population has been fairly homogeneous, presenting few of the marked racial and cultural clashes noticeable in Babylonia and India.

The culture of ancient China was an unusually advanced one at a relatively early time in world history. More than twenty-five centuries before the dawn of the Christian era and nearly twenty centuries before the founding of the city of Rome, China was possessed of a civil and criminal code, statute laws, nine departmental ministers of state under the emperor, extensive

¹ H. H. GOWEN, and J. W. HALL, *An Outline History of China*, pp. 19-22, New York, 1926.

home industries, a large import and export trade, a systematized canal and river service, a standing army and extensive agriculture, local government and tributary taxation, and schools of literature, art, science, and music under the patronage and protection of hereditary dukes and other people of rank. To this astonishing list of cultural accomplishments must be added a well-developed writing, a remarkably advanced astronomy, a calendar, the magnetic needle, mathematics, the metric system of weights and measures, musical science with its instruments and notation, agricultural implements, cooking utensils, herbal medicine, silk production, weaving, drawing, painting, engraving, pottery, bookkeeping and accounting, engineering, embracing many primary principles of physics, and, as hinted above, the writing of essays, fiction, and poetry.¹

While authentic Chinese history begins about 2000 B.C., the history of written legend and tradition goes back another thousand years. To be exact, the *Shu King* or *Book of History* goes back to the famous "five-emperor period" which began in the twenty-ninth century B.C., an era when China was administered by five great and incredibly exemplary rulers.² This period is in the borderland between myth and real history. Continual allusion is made to these men and this period by later writers. To the first of the group, Fu Hsi (c. 2852 B.C.), according to the legends, have been attributed many useful advances in civilization, including a cabinet of six members; the ceremonies with which marriage was contracted; the invention of musical instruments, especially the thirty-five-stringed lute; the use of writing in picture symbols, superseding the more ancient system of knot notation; the taming and use of the six domestic animals, the horse, dog, ox, sheep, pig, and fowl; the cultivation of the mulberry and the feeding of silkworms on the leaves; the development of a system of divination; the weaving of mats and nets; and the first recognition of Shang-ti, the Supreme Ruler, in worship.

The second of these great rulers was Shen Nung (2737-2705 B.C.), known as the "Divine Husbandman." Tradition associated him with the establishment of agriculture and medicine.

¹ GOWEN and HALL, *op. cit.*, pp. 61-62.

² *Ibid.*, pp. 23-36.

Legend says that "He first fashioned timber into plows and taught people the art of husbandry" and also that "he discovered the curative virtues of plants and instituted the practice of holding markets for the exchange of commodities." One legend recounts his discovering every day a poisonous plant and its antidote. Even more interesting is another mentioning the glass front that Shen Nung had made for his body so that he might study the processes of digestion.

The third of this group was Huang-Ti (2697-2595 B.C.), mentioned above, a great warrior who extended the boundaries of China and subdued the aborigines. He is said also to have invented armor, wheeled vehicles, and a sort of compass. A minister of his is supposed to have invented a new system of ideograms from watching the footprints of birds. The fourth was Yao (2357-2258 B.C.), a great political genius who carried out a union of the states and established new methods of insuring justice. Legend has it that he placed outside his palace a tablet on which anyone might write advice or record a grievance to the government and also a drum which might be beaten to call attention to the grievance. He is said also to have been responsible for flood control, measures of weight and extent, rules of conduct, and the establishment of principles of worship, mourning, courtesy, and chivalry. The last of this illustrious crew was Shun, Yao's immediate successor. He has been one of the "twenty-four examples of filial piety." In addition, he regulated the calendar and mitigated certain punishments in vogue, notably altering the thickness of the birch rod used in whipping schoolboys.

Between this shadowy era and the founding of the famous Chou dynasty came two relatively unimportant dynasties, the Hsia (2205-1766 B.C.) and the Shang (1750-1125 B.C.). By the beginning of the Hsia dynasty the general character, manners, and institutions of the Chinese are fixed on a high civilizational plane. The first of these two dynasties marks the division of the land into nine provinces, an extension of the canal system, the discovery of wine and an effort at prohibition, and a revolution that overthrows the new political system and also establishes the right of revolution in Chinese thought. During the Shang dynasty the culture is of high degree. Especially notable is the development of work in bronze. Vessels of this period, beautiful,

splendid, and with a distinctive style of their own, still exist. About 1340 B.C. after internal troubles had again necessitated a change of title we have the following speech, in which the idea of "tao" or "correct road" is used, henceforth to run through all Chinese thought:

Be your majesty calm! Reform the government. Heaven looks down on those below and grants them years according to their compliance with immutable laws. It is not Heaven which cuts off man's destiny prematurely, but man who neglects virtue and breaks his own career. *It is the hereditary duty of rulers to care for the people, and each of them is a continuing link in the ordered scheme of Heaven.* Sacrifices must be regular, not so excessive as to travel beyond the correct road [tao].¹

The Chou (or Chow) dynasty, extending from 1124 to 249 B.C., is one of the longest in Chinese history and of singular importance in any cultural study, for it is during this period that a succession of events occur which leave their impress not only upon China but upon the culture of the world. During the early part of this dynasty the great *Book of Documents*, containing imperial decrees and ministerial orders, and the *Book of Odes*, containing popular poems and sacrificial hymns presenting many glimpses of the social and national life, are begun.

These two books [says Faber] form the foundation of the collected ancient literature and developed civilization of the Chinese. China ever remains in most intimate connection with the ideas of these two books, for they form the plan for the mental training of the Chinese both of ancient and modern times, being constantly subjects for examination.²

One of the most original innovations of the Chou dynasty was a law, obviously devised with some eugenic intent, that forbade marriage between persons bearing the same family name, subject to slight concessions in the case of two or three extremely common family names. It is possible that this reflected the dawning of some of the evils of inbreeding. This rule has never ceased to be operative.

¹ E. H. PARKER, *China and Religion*, pp. 25-26, London, 1905. Italics mine.

² *The Mind of Mencius*, p. 15, London, 1882.

In a political and military sense the Chou dynasty was characterized by great changes and much confusion. One of the early sovereigns of the thirty-five constituting the dynasty, Wu Fang by name, in rewarding the chieftains who had served him well in his military enterprises, created five orders of nobility. He assigned to the members of each order certain lands by means of which to maintain their new dignities. Thus 1773 new estates, or in a sense "states," were formed, resulting in considerable geographical expansion. Presently these various independent subrulers broke away from the central authority and formed loose confederations of semi-independent states. These little feudal principalities were in a state of perpetual warfare with each other. Consequently for some two-thirds of the Chou dynasty it was a time of bloody strife and base intrigue, of invasion and usurpation, of making and breaking of alliances and agreements, with a constant shifting of control. There was also a long series of wars against Tartars and Huns on the north and against the aboriginal clans in the south. Political, social, and moral conditions obtained that provoked negative protest and demanded positive reform. The intellectual life also was in an anarchic state, for into the arena of contending powers swarmed philosophers of various schools with their conflicting theories of the universe and of life, each seeking the patronage and support of one or another of the territorial lords.¹

As has been the case so often in later history, this state of mental convulsion about the middle of the sixth century B.C. became an "age of the great sages." A small number of exceptional men, making use of the old literature, based traditionally upon eternal and natural principles, came forward to save society by crystallizing existing knowledge, experience, and thought into a workable scheme of social order and social control. Outstanding among these were the two greatest sages to appear in the history of Chinese thought, the contemporaries Lao-tse and Confucius and, a century later, the interpreter of Confucius, Mencius. Among the lesser lights were Chang Tzu, a Taoist writer; Yang Tzu, an ethicist of the fourth century B.C.; and Mo Ti or Mih-Teih (c. 450 B.C.), an early socialist and advocate of

¹ Cf. A. W. MARTIN, *The Great Religious Teachers of the East*, pp. 121-122, New York, 1911.

mutual love. The influence of the thought of these men is dominant among the teeming millions of China down to this day.¹

Partly because of location, but mainly owing to the tremendous momentum and strength, and certain special and peculiar features developed by Chinese culture during these early millenniums, there has been a continuous and unbroken Chinese civilization which has varied little in emphasis from prehistoric times to the present day, and this in spite of many political changes. This is not true of any other ancient civilizations. Some have disappeared altogether; others have changed so much as to bear no relation to their ancient counterparts; while Egypt has been presided over by a variety of races, each with a history of its own. India alone compares with China in this respect, but her life has been shorter, and her modifications have been much greater. Chinese culture has demonstrated a persistence and a toughness of fiber which is the marvel of students of social processes. Moreover, it has been so strong that it has absorbed every new culture element and racial stock that came under its influence. Some one has well said that China is a sea that salts all that flows into it.

II. THE SOCIAL THOUGHT OF LAO-TSE

The two greatest thinkers of this age reacted in almost opposite ways to the thought and conditions of their time. Lao-tse developed a doctrine of original simplicity, spiritual austerity, self-denial, and complete democracy and placed this over against the multitudinous disorganization and misorganization, the superficialities and hypocrisies, the false philosophies, and the excessive devotion to things that do not matter. Confucius' thought, on the other hand, centered around formalism and etiquette, the importance of traditional and customary procedure, the nature and function of social groups and social organization, and a

¹ Though an age of upheaval this was nevertheless one of material advance, and the upper classes at least lived on a plane of exceptional physical comfort. H. A. Giles states that the "Citizens, when not employed in cutting each other's throats, enjoyed a reasonable security of life and property. They lived in well-built houses; they dressed in silk or homespun; they wore shoes of leather; they carried umbrellas; they sat on chairs and used tables; they rode in carts and chariots; they travelled by boat; they ate their food off plates and dishes of pottery . . . they measured time by the sundial." *A History of Chinese Literature*, p. 5, London, 1927.

humanitarianism that ranges in content from the expedient to the sublime.

1. Life.—Very few established facts are available regarding the life of Lao-tse. The name by which he is known—Lao-tse or Lao-tzu or Lau-tzi, or the Latinized form of it, Laocius, given by the Jesuits when they came to China—means the “old philosopher” or the “old one,” and much legend is connected with him. His real name was Li Erh or Li Ir. He is supposed to have been born in 604 B.C. in the state of Ch’u, corresponding to the present province of Hupeh and Hunan.¹ During at least the later years of his life he was the “Sze,” that is, the “recorder” or “historiographer” or “curator of the archives” or “keeper of the libraries” at the Imperial Court of Chou at the imperial city, the modern Honan-Fu, variously called Loyang and Kao. As such he undoubtedly was fully abreast of the intellectual developments of his time and had abundant opportunity of meeting the astrologers, historians, and scholars of the minor courts. While holding this position he preached his doctrines attempting thereby to stay the prevailing license and anarchy and incidentally developed the reputation of being a man of great learning. Since one of his strongest principles was his desire for privacy, and one of his most persistent recommendations was the avoidance of hero worship, publicity, and glory, it is quite likely that, contrary to the more bustling Confucius, he went to some length in keeping information regarding himself away from the public. Hence the scarcity of information regarding him. A Chinese historian Sz-ma Ts’ien gives us the names and employments of Lao-tse’s son and grandson and also points out that one of his more distant descendants held office under the second Han emperor, while this one’s son in turn was instructor to a royal prince in Shan Tung.²

Two interesting events in Lao-tse’s life are most revealing of his general character and attitudes. When he was an old and somewhat famous man, Confucius, then thirty-four and a young teacher and official attached to one of the smaller courts, visited the Imperial Court to improve his knowledge and met Lao-tse.

¹ GOWEN and HALL, *op. cit.*, p. 70; F. HIRTH, *The Ancient History of China*, p. 231, New York, 1908. E. H. PARKER (*Studies in Chinese Religion*, p. 47, London, 1910) gives the northwest corner of the modern province of An Hwei as his birthplace.

² PARKER, *op. cit.*, p. 48.

Being so different in temperament and viewpoint, neither philosopher came from the encounter with much respect for the other. Lao-tse considered his visitor too formal and obsequious; while Confucius professed himself unable to understand the older man's mental flights. Confucius told Lao-tse that he desired to search out the ancient history of China and restore its passing glory by a scheme of social proprieties. Lao-tse is said to have replied:

The men about whom you talk are dead, and their bones are mouldered to dust; only their words remain. When a man of first-rate qualities finds his opportunity, he makes his career; if he finds no opportunity, he betakes himself off like the grass carried away by the storm. I have always understood that a good trader keeps back his best wares; in the same way a man of first-rate qualities hides his potential virtues behind an expressionless face. Get rid of your superior airs and your multitudinous requirements, of your mannerisms, and your inordinate desires, none of which can be of any advantage to your body. This is all I have to say to you.¹

At another time Confucius told Lao-tse that he had been studying books for twenty years looking for wisdom. Lao-tse replied:

If it could be transmitted to men, who would not wish to transmit it to his children? Why do you not obtain it? This is the reason: Because you do not give it an asylum in your heart.

After one of these interviews Confucius is said to have commented:

I know how the birds fly, how the fishes swim, how animals run. But the runner may be snared, the swimmer hooked, and the flyer shot by the arrow. But there is the Dragon. I cannot tell how it mounts on the wind through the clouds and flies through Heaven. Today I have seen Lao-tse, and I can only compare him to the Dragon [*i.e.*, supra-mundane and unintelligible mystery].²

The other story has to do with his retreat. When he first propounded his philosophy of life and behavior his notions were

¹ *SBE*, XXXIX, 34.

² *SBE*, XXXIX, 34-35.

enthusiastically received, but people did not care to carry them into effect for long. The pomp, artificiality, and reckless luxury of the Royal Court, the dissipation and warlike ambition of the feudal states, and the lax conduct of all classes of men, to all of which Lao-tse had objected, continued and filled him with disgust. The decrepitude of the court increased; the general confusion and anarchy became worse; the struggle for political power and material profit was more and more noticeable; the collapse of society seemed to be imminent. Men refused to accept tao and sincerity. Moreover, Lao-tse was surfeited with his official duties. So he decided to shake the dust of ungrateful China from his feet and seek peace, oblivion, and death in the wilderness of the West. According to the story, he set off with one disciple for the Kwan Yin Pass, at the bend of the Hwang Ho near modern Sian-fu, through which he intended entering into the wilds of Tartary or Tibet. His fame was known to Yin Hi, the officer in charge of the pass. This gatekeeper looked with regret upon the setting of so great a luminary and therefore asked the sage to commit to writing some of his teachings before permanently retiring. His words are said to have been, "If you are going to disappear into retirement, sir, I hope you will make a book for me." Lao-tse, in compliance with this request, put his wisdom in written form, now known as the *Tao-Teh-King*. He was at this time a very old man, probably eighty-eight or eighty-nine, since he was eighty-seven when Confucius visited him. He thus died around 515 or 514 B.C.

2. Thought.—The *Tao-Teh-King* is probably the shortest piece of famous writing in the history of ancient literature. It consists of approximately 5000 Chinese characters, divided into eighty-one so-called chapters. Many of these chapters consist of only a single sentence, and not one of them, including their subdivisions, would amount to a page of the average-sized book. The whole is divided into two parts, the first consisting of the *Tao* or treatment of the "Correct Way," as it is commonly translated, the second with *Teh* or "Virtue" or "Grace." *King* means "book" or "classic." The title thus means the "Classic of the Correct Way of Virtue."

The work both in its inception and in its content is much more original than any of the writings of Confucius. At the same time it is based on existing Chinese philosophical concepts, and

many of its utterances can be referred back to the old classics from which the inspiration and suggestion were manifestly drawn.¹ Lao-tse's work is largely that of reinterpretation and reemphasis of the ancient virtues of sincerity, austerity, simplicity, and high thinking.

The central idea in Lao-tse's *Tao-Teh-King* is the tao, and its primary objective is to aid men in attaining this tao. The meaning of the word is not entirely clear, but to refer to it as the "way" comes near, though it is not a full rendering of it. It is the Ultimate and Enduring Reality, the Universal Spirit; it is ever existent, self-existent, uncreated; all comes from it, and all returns to it; it is the order and principle of the Universe, of Life and Things—"the Honored Ancestor of All Things," in Lao-tse's own words. While it is unfathomable and unknowable, man's duty is to conform to it. It is achieved not by striving to perform an array of prescribed acts—not by specific acts of charity or by religious austerities, by forcing of faculty or by various kinds of reform, personal or social—but by nonaction, by the higher indifference, by avoiding pretense, by living humbly and simply and honestly, by being oneself. It does not imply bodily withdrawal from the world or an avoidance of life's obligations and responsibilities but merely an emotional and intellectual detachment from the distractions, vanities, striving, and conflicts of daily living. What Lao-tse emphasized particularly was the emptiness of rank, luxury, and display; the superiority of mind and spirit and the calm inner life over matter; and the importance of being part of the eternal and ultimate, rather than of devoting oneself to striving or having or attaining in the fleeting present. He said, "Follow diligently tao in your own heart, but make no display of it to the world," a statement comparable to that of Jesus, "Take heed that ye do not your righteousness before men, to be seen of them."

A sizable literature has grown up around the small document attributed to Lao-tse himself which is rich in interpretations, elaborations, and expositions of his thought. Much has also been added which is attributed to Lao-tse, who speedily became a legendary character, in order to give it validity. We shall confine ourselves, however, to the *Tao-Teh-King* itself. This will

¹ Cf. E. H. PARKER, *China and Religion*, p. 36; *Studies in Chinese Religion*, p. 96.

make the discussion shorter, and perhaps less colorful, but vastly more accurate.¹

a. Simplicity.—Lao-tse emphasizes above all else the desirability of simplicity, calmness, moderation, quietude, and contentment. Whatever be our position in life or our responsibilities, our first duty is to keep a calm and placid mind, be modest and self-effacing, simple of speech, honest, and given to contemplation.

The sage manages affairs without doing anything and conveys his instructions without the use of speech (2:3).

Sincere words are not fine; fine words are not sincere (81:1).

There is no guilt greater than to sanction ambition; no calamity greater than to be discontented with one's lot; no fault greater than the wish to be getting. Therefore the sufficiency of contentment is an enduring and unchanging sufficiency (46:2).

As for you, do you come forth in your natural simplicity, lay hold of verities, restrain selfishness, and rid yourself of ambition (19:1).

In ruling men and in serving Heaven there is nothing like moderation (59:1).

For regulating the human in our constitution and rendering the proper service to the heavenly there is nothing like moderation. It is only by this moderation that there is effected an early return to man's normal state (59:1, 2).²

Humility is the true road to greatness. In a passage paralleling the Beatitudes of Jesus in structure, subject, and spirit Lao-tse states:

Whosoever adapteth himself shall be preserved to the end.

Whosoever bendeth himself shall be straightened.

Whosoever emptieth himself shall be filled.

Whosoever weareth himself away shall be exalted.

Whosoever humbleth himself shall be exalted.

Whosoever exalteth himself shall be abased.

Therefore doth the sage cling to simplicity and is an example to all men.

He is not ostentatious, and therefore he shines.

¹ For an excellent treatment of the broader taoism see PARKER, *Studies in Chinese Religion*, pp. 45-151.

² These passages from the *Tao-Teh-King* are taken from the four translations available to me: L. GILES, *The Sayings of Lao-Tzu*; P. CARUS, *The Canons of Reason and Virtue*; SBE, Vol. XXXIX, pp. 47-124, trans. by James Legge; PARKER, *Studies in Chinese Religion*, pp. 99-131. The great majority are from Legge.

He is not egoistic, and therefore he is praised.

He is not vain, and therefore he is esteemed.

He is not haughty, and therefore he is honored.

And because he does not compete with others, no man is his enemy.

The ancient maxim, "Whosoever adapteth himself shall be preserved to the end," verily it is no idle saying.

Without doubt he shall go back to his home in peace (22:1, 2, 3).

The social triumphs resulting from humility, gentleness, and abasement are depicted in passage after passage.

It is through his not making himself great that the sage can accomplish great achievements (34:3).

The gentlest thing in the world will override the strongest (43:1).

With virtue and quietness one may conquer the world (45:2).

That whereby the rivers and seas are able to receive the homage and tribute of all the valley streams is their skill in being lower than they—it is thus that they are the kings of them all. So it is that the sage, wishing to be above men, puts himself by his words below them and, wishing to be before them, places his person behind them.

In this way, though he has his place above them, men do not feel his weight, not though he has his place before them do they feel it an injury to them (66:1, 2).

I have three precious things which I prize and hold fast. The first is gentleness; the second is economy; and the third is shrinking from taking precedence of others.

With that gentleness I can be bold; with that economy I can be liberal; shrinking from taking precedence of others, I can become a vessel of the highest honor. Now-a-days they give up gentleness and are all for being bold; economy, and are all for being liberal; the hindmost place, and seek only to be foremost—of all which the end is death.

Gentleness is sure to be victorious even in battle and firmly to maintain its ground. Heaven will save its predecessor, by his very gentleness protecting him (67:2, 3, 4).

There is nothing in the world more soft and weak than water, and yet for attacking things that are firm and strong there is nothing that can take precedence of it—for there is nothing so effectual for which it can be changed (78:1).

A violent wind does not last for a whole morning; a sudden rain does not last for the whole day (23:1).

The soft overcomes the hard; and the weak the strong (36:1).

The softest thing in the world dashes against and overcomes the hardest; that which has no substantial existence enters where there is no crevice (43:1).

In similar manner, human distinctions of rank and class are considered to be vain and empty, and pushfulness is the sheerest nonsense. The superior man takes no pride in superiority, rank, or any of the dignities of men. These, one gathers, merely evidence the values held by fools and men of small caliber.

The wise man knows no distinctions; he beholds all men as things made for holy uses (3:1).

He who stands on tiptoes does not stand firm; he who stretches his legs does not walk easily. So he who displays himself does not shine; he who asserts his own views is not distinguished; he who vaunts himself does not find his merit acknowledged; he who is self-conceited has no superiority allowed to him. Such conditions are like remnants of food or a tumor in the body, which all dislike. Hence those who pursue the course of the tao do not adopt and allow them (24:1).

He quite consistently points to the folly and absurdity of vain show.

If I were suddenly to become known and put into a position to conduct a government . . . what I should be most afraid of would be a boastful display.

The great tao is very level and easy; but people love the by-ways.

Their courtyards and buildings shall be well kept; but their fields shall be ill-cultivated, and their granaries very empty. They shall wear elegant and ornamental robes, carry a sharp sword at their girdle, pauper themselves in eating and drinking, and have a superabundance of property and wealth—such princes may be called robbers and boasters. This is contrary to the tao surely (53:1, 2, 3).

b. Charity and Justice as Evidences of Social Defect.—Lao-tse objects pointedly to the necessity of charity, benevolence, or justice. They are, in fact, offensive to him, for benevolence connotes inferiority and misery of one man, and the condescending patronage of the other, while charity and justice exist only where the defects of government have produced poverty and a sense of wrong. In a state or society where real equality existed there would be no occasion for such concepts even arising. But owing to these weaknesses in corrupt and complicated human societies, the proprieties, the crowning absurdity, appear as a means of preserving chaotic and antisocial relations.

When the tao was lost, its attributes appeared; when its attributes were lost, benevolence appeared; when benevolence was lost, righteousness appeared; and when righteousness was lost, the proprieties appeared.

Now propriety is the attenuated form of leal-heartedness and good faith and is also the commencement of disorder; swift apprehension is only a flower of the tao and is the beginning of stupidity.

Thus it is that the great man abides by what is solid and eschews what is flimsy; dwells with the fruit and not with the flower (38:5, 6, 7).

If we could renounce our benevolence and discard our righteousness, the people would again become filial and gentle (19:1).

c. The Illusion of Greatness.—The rule or way of the universe shows also that the small shall become great, the last shall be first, and the self-effacing become the most important. The reason implied is that these lesser things are not ends in themselves but contributors; hence they grow.

All difficult things have their origin in that which is easy, and great things in that which is small [63:2].

The tree which fills the arms grew from a tender shoot.

The castle of nine stories was raised on a heap of earth.

The journey of a thousand miles began with one step [64:2].

The highest excellence is like that of water.

The excellence of water appears in its benefiting all things and in its occupying, without striving, the low place which all men dislike (8:1).

The reason why heaven and earth are able to endure and continue thus long is because they do not live of, or for, themselves. This is how they are able to continue and endure. Therefore the sage puts his own person last, and yet it is found in the foremost place; he treats his person as if it were foreign to him, and yet that person is preserved. Is it not because he has no personal and private ends that . . . such ends are realized? (7:1, 2).

d. The Folly of Possessions.—Possessions not only cause worry and cares, but they distract attention from the more worth-while things. They develop from desires, largely artificial and selfish in nature. The sage is always rich because he is contented, and he has learned that it is more blessed to give than to have.

When gold and jade fill the hall, their possessors cannot keep them safe (9:2).

The sage does not accumulate for himself. The more that he expends for others the more does he possess of his own; the more that he gives to others the more does he have himself (81:2).

If we could renounce our artful contrivances and discard our scheming for gain, there would be no thieves nor robbers (19:1).

e. The Emptiness of Learning.—"Learning" as such is also folly, for at best it only repeats what other men have said,

perpetuates many absurdities, is often merely an ornamental acquirement, and inclines men to make vain and invidious personal distinctions. Moreover, it is never final. Only knowledge of self, of men, and of fundamentals is good.

To know and yet think we do not know is the highest attainment; not to know and yet think we do know is a disease [71:1].

He who knows other men is discerning; he who knows himself is intelligent. He who overcomes others is strong; he who overcomes himself is mighty. He who is satisfied with his lot is rich; he who goes on acting with energy has a firm will.

He who does not fail in the requirements of his position continues long; he who dies and yet does not perish has longevity [33:1, 2].

A state may be ruled by measures of correction; weapons of war may be used with crafty dexterity; but the kingdom is made one's own only by freedom from action and purpose [57:1].

f. Duty without Reward.—One should do one's duty but have no thought of glory and rewards.

A skillful commander strikes a decisive blow and stops. He does not dare by continuing his operations to assert and complete his mastery.

He will strike the blow but will be on his guard against being vain or boastful or arrogant in consequence of it. He strikes as a matter of necessity; he strikes it but not from a wish for mastery [30:3].

When the work is done, and one's name is becoming distinguished, to withdraw into obscurity is the way of Heaven [tao] (9:2).

g. Government and Rulers.—Lao-tse pays considerable attention to the nature of government and to the related subjects of rulers and taxes. Government he places in the category of necessary evils. The ruler, similarly, is indispensable to the social machine, but he should attract as little attention and raise as little discussion as possible and keep the secrets of his unhappy craft to himself. Laws and other regulations should be as few, but as clear, as possible, and taxes should be no greater than is absolutely necessary. In the main, that government is best that governs least, for it is conducive to perfect, primitive simplicity.

He who would administer the kingdom, honoring it as he honors his own person, may be employed to govern it; and he who would administer it with the love which he bears to his own person may be entrusted with it (13:3).

A state may be ruled by measures of correction; weapons of war may be used with crafty dexterity; but the kingdom is made one's own only by freedom from action and purpose.

How do I know that this is so? By these facts:

In the kingdom the multiplication of prohibitive enactments increases the poverty of the people; the more implements to add to their profit that the people have the greater disorder is there in the state and clan; the more acts of crafty dexterity that men possess the more do strange contrivances appear; the more display there is of legislation, the more thieves and robbers there are.

Therefore a sage has said, I will do nothing, and the people will be transformed of themselves; I will be fond of keeping still, and the people will of themselves become correct. I will take no trouble about it, and the people will of themselves become rich; I will manifest no ambition, and the people will of themselves attain to the primitive simplicity (57:1, 2, 3).

The state should be governed as we cook small fish, without much business (60:1).

What makes a great state is its being like a low-lying, down-flowing stream—it becomes the center to which tend all the small states under heaven.

Thus it is that a great state, by condescending to small states, gains them for itself; and that small states, by abasing themselves to a great state, win it over to them.

Each gets what it desires, but the great state must learn to abase itself [61:1, 3, 4].

The people suffer from famine because of the multitude of taxes consumed by their superiors. It is through this that they suffer famine [75:1].

h. War.—War is quite inconsistent with Lao-tse's general philosophy. Hence war, and the use of arms generally, should be avoided as far as possible and engaged in only where absolutely necessary. At best, it is destructive and leaves baleful after-effects of various types.

When a nation is filled with strife then do patriots flourish (18:2).

Wherever a host has been stationed, briars and thorns spring up. In the sequence of great armies there are sure to be bad years (30:2).

Now arms, however beautiful, are instruments of evil omen, hateful, it may be said to all creatures. Therefore they who have the tao do not like to employ them.

Those sharp weapons are . . . not the instruments of the superior man—he uses them only on the compulsion of necessity. Calm and

repose are what he prizes; victory by force of arms is to him undesirable. To consider this desirable would be to delight in the slaughter of men; and he who delights in the slaughter of men cannot get his will in the kingdom.

He who has killed multitudes of men should weep for them with the bitterest grief (31:1, 2, 3).

Those who are violent and head-strong do not die a natural death (42:3).

There is no calamity greater than lightly engaging in war. To do that is near losing the gentleness which is so precious. Thus it is that when opposing weapons are actually crossed, he who deplores the situation conquers (69:2).

i. The Golden Rule.—Perhaps the greatest single idea in Lao-tse's small collection of great and scintillating ideas is his version of the golden rule or, rather, his repudiation of either the law of retaliation or the law of justice as Confucius was to state it. Lao-tse said, "It is the way of tao . . . to recompense injury with kindness" (63:1). This reminds one of the later similar New Testament statement, "Be not overcome of evil, but overcome evil with good" (Rom. 12:21). In another passage Lao-tse states:

I would return good for good; I would also return good for evil.

I would meet trust with trust; I would likewise meet suspicion with confidence (49:2, old trans.).

Legge's translation of the same passage is more complete:

To those who are good to me I am good. And to those who are not good to me I am also good. And thus all get to be good. To those who are sincere with me I am sincere. And to those who are not sincere with me I am also sincere. And thus all get to be sincere (49:2).

Lao-tse's ideal social state is that of a simple democracy in which there is a minimum of regulation and control. The common and widely prevalent personal and material aspirations which inevitably produce concentrations of property for some and poverty for most others, which align men into classes and create continual social conflict and individual distraction by things that do not matter are tabooed. In fact, owing to his criticism of pomp, show, ambition, glory, and greed, his demonstration of the emptiness of majesty and propriety, the vanity of effort and possessions, and his general denunciation of the

numerous false or superficial common gods of mankind, Lao-tse has been called "the Chinese Carlyle."¹ Social life, even in the form of the organized state, is necessary and unavoidable, but it is not an end in itself. It should be merely an unobtrusive contributor to the great and all-absorbing end, the achievement of the tao by making possible for men a life of order, peace, quietism, freedom, and the comprehension of the eternal and enduring fundamentals.

He incidentally propounded several great principles of social behavior or social relationship. Notable are the following: Gentleness is more effective than force; a great amount of benevolence and charity means inexcusable social disorganization and inequality; the social proprieties are necessary as social lubricants when social relationships are undemocratic; much that passes as social knowledge is a perpetuation of absurdities that are deep-seated in our sentiments and attitudes; one should not seek personal rewards for having done one's social duty, self-preservation demands no less; depression and general decline follow war; and, finally, retaliation breeds chaos, and consequently injury should be recompensed with kindness.

III. THE SOCIAL THOUGHT OF CONFUCIUS

1. Life and Career.—A third of a century after the death of Lao-tse, at the time when Confucius was in his prime, the political and social disorder of the Chou dynasty persisted. If conditions had changed at all, the change was for the worse. While the kings of the Chou dynasty were nominally in authority in Confucius' young manhood, actually the country was divided into more or less independent feudal states. These were always in a state of rivalry with each other and occasionally in a state of war. As a result, the economic and social life, as well as the political life, was in a disorganized state, and the ideals and practices of the people suffered a parallel decline. New and conflicting philosophies of life appeared and added to the confusion. It was in this setting that Confucius appeared putting forth the traits and behavior of the superior man; the principles of strong, stable, peaceful government; and the social rules necessary to regulate individual life in family and group in the interests of general well-being. In contrast to Lao-tse he took a great interest in this

¹ PARKER, *op. cit.*, p. 97.

world, its men, their lives, and its relationships and institutions. To reform the social life of his native land was his main ambition and task. But he sought to do this not by any abstruse philosophy or by radical social, economic, or political departures or untried schemes but by a utilization of ancient, time-tried methods. On the basis of extensive historical studies he placed on record what had existed for ages and gave it his own interpretation for his time. His reforms sought return to idyllic relationships and institutions of the past.

Confucius' real name was K'ung Ch'in Chung-ni, of which K'ung was the family name, Ch'in the personal or Christian name, and Chung-ni the special name given upon reaching full age. Later he was called K'ung-Fu-tsze, meaning "Kung the Philosopher or Master." The Jesuits, who first carried his fame to Europe, Latinized this into Confucius. He was born 551 B.C. in the western part of the principality of Lu, in eastern China, in what is the modern province of Shantung. He was the son of an old military man by the name of Shuh-Liang-Heih, the officer in charge of the district of Tsow in the state of Lu, and a man remarkable through his life for his strength, bravery, and skill. His lineage was as distinguished as any in China could be, for the Kung family traced its ancestry back to the sovereigns of the Shang dynasty and from them back to Hwang-Ti, an almost legendary character of the twenty-eighth century B.C. Shuh-Liang-Heih was the father of ten children, nine girls by his legitimate wife, and a crippled son by a concubine. In his late sixties he decided that he wanted a sound son, so he sought a younger wife in the Yen family where there were three daughters. The two elder objected to the old man's suit; but the youngest, Ching-tsai, only seventeen years of age, was willing to abide by her father's judgment. Confucius was born the following year, and his aged father died three years later.

Confucius early gave evidence of his future interests. As a child he showed a pronounced proclivity for serious study and an inborn appreciation of ceremonial and festivals, even, it is said, having used tripods, sacrificial dishes, candles, and official hats as playthings. He thus bore out the Wordsworthian epigram, "The child is father to the man." As an adolescent he had already acquired an enviable reputation for his intellectual attainments. He states in the *Analects* (2:4), "At fifteen I had my mind bent on

learning." At nineteen he married. His only son, Li, was born the year after. Later a daughter was born. It is known that the marriage was not an affectionate one and that the solitary son was by no means a success. But he did leave issue. His son was a scribe and interpreter of his grandfather's thought. Today the Kungs, Confucius' descendants, are probably the oldest nobility on earth, the present members of the family having passed the seventieth generation in unbroken line.

Shortly after his marriage Confucius received his first appointment to public office, the post of inspector or keeper of the granaries in his home state of Lu. This position, however, did not tax his capacities. The next year he was promoted to the position of superintendent of farms and lands ("parks and herds"). He was deeply conscious of the dignity of his office and the duty of faithfully fulfilling its requirements. Throughout his long career in various public offices he was a man of incorruptible honor and devoutly consecrated to his ideals. Having much leisure time he devoted himself to the records of the past and to quiet thought and exchange of opinions. At the age of twenty-two, drawing on his reputation for learning and wisdom already established, he began to eke out his slender salary by taking pupils whom he instructed in the arts of official, social, and sacrificial deportment; music; and archaeology. Henceforth, though frequently holding public office, teaching and historical research were to be his chief life work. At one time he is said to have had 3000 pupils plus a large number of disciples. Through most of his life his relationship with the duke of his province was a close one. Parker says, "The reigning duke bore much the same relation to the King or Emperor of China that the Duke of Weimar bore to the 'Roman' Emperor of Germany; and Confucius was his Grace's Goethe."¹

When Confucius was twenty-four his mother died. He now had an opportunity to put into effect the forms of mourning etiquette that he so much admired. He reverently buried her in his father's tomb and then mourned for her officially three years. At the conclusion of this mourning period the duke placed a traveling equipage at his disposal that he might visit the imperial capital for the examination of documents and other study. It was at this time that he met Lao-tse with the results

¹ PARKER, *China and Religion*, p. 52.